



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 7 OF 2015
IN THE MATTER OF THE CHILDREN ACT
IN THE MATTER OF BABY M M a.k.a
M M G.....SUBJECT
AND
N G G
J K M.....APPLICANTS

RULING

Two Applications are brought by way of Originating Summons. One is dated 5th March, 2015 and the other one is dated the 15th day of June, 2015. In the application dated 15th June, 2015, the Applicants N G G and J K M seek the following orders:

1) Spent

2) Spent

3) That the costs of the application be provided for while the one dated 5th March, 2015 they seek the following orders:

1) That the applicants be authorised to adopt **BABY M M a.k.a M M G**

2) That the consent of the child's parents be dispensed with.

3) That the child be declared a Kenyan Citizen

4) That upon the making of the adoption orders, the child be known as **M M G** and the Registrar-General do make the appropriate entries in the adopted children's register in respect of **MMG**.

N G G and J K M (hereinafter the applicants) are husband and wife. They were married in 2000 under Kimeru Customary Law but later formalized their marriage on 9th December, 2011 under The Marriage Act (Cap 150) at the District Commissioner's Office, Nyahururu. They are not blessed with a biological

child of their own and this has led to the desire to adopt. They are a farmer and a subordinate staff at a [particulars withheld] in Nyahururu respectively.

They wish to adopt **BABY M M a.k.a M M G.**

The child was found abandoned at [particulars withheld] SACCO on 30th April, 2013. The baby seemed newly born. She was rescued and the matter reported at Kangundo Police Station vide OB No.[particulars withheld] and taken to Kangundo District Hospital for care. She remained at the hospital until when she was referred to Child Welfare Society of Kenya (CWSK) for care and protection by the Department of Children Services at Kangundo District. Child Welfare Society of Kenya rescued the minor from the hospital and placed her at Mama Ngina Kenyatta where she was later committed to the same Institution for care and protection vide Kangundo Children's Court Care and Protection Case No.04 of 2013.

The Children's Officer, Nyandarua North Sub-County and both The Executive Officer and Social Worker filed reports dated 15th April, 2016 and 7th October, 2014 respectively in court favouring and recommending the applicants' decision/application to adopt **BABY M M a.k.a M M G.**

The applicants have been taking care of the child since 21st May, 2014.

Prior to the hearing of the adoption, the Child Welfare Society of Kenya filed a report in court on **BABY M M a.k.a M M G.** They confirmed that efforts to trace the parents/relative of the baby had borne no fruits. They further stated that they even did an advertisement through the media with no success. The Kangundo Police Station vide their letter dated 10th June, 2013 also confirmed that their efforts to trace the child's family was unsuccessful. The Child Welfare Society of Kenya then issued a Certificate declaring the child free for adoption No.[particulars withheld] dated 10th day of October, 2014.

I have had occasion to consider the application, the relevant reports filed and also observe both the applicants and **BABY M M a.k.a M M G** who were all present during the hearing. All the reports are favourable in support of the applicants' prayer to adopt the minor herein. They are in a stable union, they have the means and a conducive environment for the bringing up of the minor.

With the result, the chamber summons dated 5th March, 2015 is allowed in terms of the following prayers:

1. The applicants are authorised to adopt **BABY MM a.k.a M M G.**
2. The consent of the child's parents is hereby dispensed with
3. **BABY MM a.k.a MMG** is declared a Kenyan Citizen
4. The child be known as **M M G** henceforth and the Registrar-General do make the appropriate entries in the adopted children's register in respect of **M M G.**

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 31st day of August, 2016.

A. K. NDUNG'U

JUDGE