



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 15 OF 2018

IN THE MATTER OF BABY B a.k.a. JKO.....INFANT

AND

EON.....1ST APPLICANT

EMO.....2ND APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons dated 4th October, 2018. The 1st and 2nd applicants **EON & EMO** through their advocates, Karen Wanderi & Company Advocates seek the following orders:

1. Spent

2. Spent

3. Spent

4. Spent

5. THAT the applicants be authorized to adopt BABY B to be known as JKO.

6. THAT ENN of Post Office Box Number [xxxx], NAIROBI in the Republic of Kenya be appointed Legal Guardian of the minor.

7. THAT it is directed that the Registrar-General shall make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.

8. THAT the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name of JKO.

The 1st and 2nd applicants are husband and wife. They solemnized their marriage under the **African Christian Marriage and Divorce Act (Cap 151) Laws of Kenya** in Rongai District on 20th September, 2013 vide marriage certificate number 843140. The 1st applicant works as a Senior Clerk at [particulars withheld] while the 2nd applicant is a small scale farmer. The applicants reside in their own house in Nakuru County. They have never been blessed with a biological child of their own. They thus desire to have children through adoption and to give a needy child a family. The records available show that they have already adopted a son by the name AO and would wish to have a female child.

Baby B a.k.a. JKO (a female minor) was presumably born on 16th February, 2015. She was found abandoned in Thika Town on 16th February, 2015 by an unnamed good Samaritan who reported the matter to Makongeni Police Station. **Baby B a.k.a. JKO** was later on the same day taken to Thika Level Five Hospital for medical checkup.

The matter was recorded vide occurrence book number [particulars withheld]. The police sought a vacancy at Macheo Children's Home for care and protection.

Baby B a.k.a. JKO was discharged after treatment on 18th March, 2015 and placed in Macheo Children's Home on the same day and

officially committed to the same institution on the same day vide Thika Children's Case Number 46 of 2015. Information available indicates that the child is in good health and that the home ensured that the child's immunization was followed as per the Kenya Expanded Programme Guidelines on immunizations. Her HIV status is negative.

The Officer Commanding Station, Makongeni Police station vide a letter dated 1st October, 2015 confirmed that no one went to the station to claim the abandoned child and their efforts to trace the kindred of the child has been futile.

On 8th June, 2017 the applicants made an application to the Kenya Children's Homes Adoption Society to legally adopt a girl child. They were taken through the adoption process and its implications. The applicants signed the certificate of acknowledgement on 4th July, 2017 as a confirmation that they understood the "Explanatory Memorandum of Adopters". Their application was presented to the case committee members on 20th September, 2017 where they were granted approval and were placed with **Baby B a.k.a. JKO**. **Baby B a.k.a. JKO** was freed for adoption by the Kenya Children's Homes Adoption Society's Case Committee on its sitting on 21st February, 2018 and a freeing certificate serial number [xxxx] issued pursuant to **Section 156(1)** of the **Children's Act 2001**.

On the 1st November, 2018 the court ordered the Director, Children's Services, in the Ministry of East African Community, Labour and Social Protection Department of Children's Services to investigate the applicant's fitness to adopt **Baby B a.k.a. JKO** and file a report. One MKO of Post Office Box Number [xxxx], KISII in the Republic of Kenya was appointed as *guardian ad litem* of **Baby B a.k.a. JKO**. The consent of the biological parents was dispensed with and **Baby B a.k.a. JKO** was presumed a Kenyan citizen.

Viola Yego, the Nakuru County Children's Coordinator, Nakuru County after investigating and making a home visit at the applicants place filed a favourable report on the Applicant's fitness to adopt **Baby B a.k.a. JKO** dated 5th January, 2019.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this court is satisfied that the applicants are suitable to adopt **Baby B a.k.a. JKO**. It is therefore ordered that:

1. **THAT the applicants be and are hereby authorized to adopt BABY B to be known as JKO JKO.**
2. **THAT ENN of Post Office Box Number [xxxx], NAIROBI in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.**
3. **THAT the Registrar-General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the Schedule to this order.**
3. **THAT the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name of JKO.**
4. **THAT costs be in the cause.**

Dated and Delivered at Nakuru this 3rd day of April, 2019.

A. K. NDUNG'U

JUDGE