



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 8 OF 2018**

**IN THE MATTER OF BABY EP..... INFANT**

**AND**

**KMN.....1<sup>ST</sup> APPLICANT**

**FNN..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

The Application is brought by way of Originating Summons and is dated the 22<sup>nd</sup> May, 2018. The Applicants **KMN** and **FNN** duly represented by Obura Mbeche & Company Advocates seek the following orders:

**1. Spent**

**2. Spent**

**3. THAT the consent of the biological parent of BABY EP be dispensed with since the child was abandoned so soon after birth.**

**4. THAT the applicants are authorized to adopt BABY EP and the child be known as JN henceforth.**

**5. 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 Schedule to this order.**

**6. THAT the Registrar-General do make the appropriate entries in the adopted children's register in respect of BABY JN**

**7. THAT the court does issue such other orders as may be necessary in the best interest of the child.**

**8. THAT costs be in the cause.**

The Applicants **KMN** and **FNN** are husband and wife. They solemnized their marriage on 7<sup>th</sup> July 2007 through a church wedding held at [particulars withheld] and a marriage certificate issued serial number [xxxx]. **KMN** is a Specialist in Health Systems employed by [particulars withheld] while **FNN** is a nurse employed by [particulars withheld]. They reside in Mirera area next to AIC Kijabe Hospital. The applicants have three biological children of their own, two girls and one boy namely, JM aged ten (10) years, TM aged seven (7) years old and AK aged 1 year 11 months old. Their children have all given consent to the proposed adoption.

The couple desire to adopt a child so that they can give back to the society. The drive to adopt was as a result of the help they got during their early life. **KMN** had someone from USA assist in his education while **FNN** and her siblings got someone pay for their school fees when sent home.

Baby **EP a.k.a. JN** was presumably born on 10<sup>th</sup> September, 2016. He was found abandoned at Kenyatta National Hospital immediately after birth. Efforts to trace the mother by the hospital authority were fruitless. The matter was reported at Kenyatta Police Station, Nairobi on 13<sup>th</sup> December 2016 and booked vide occurrence book number [xxxx]. Baby **EP a.k.a. JN** was later taken to House of Charity Children Home on 13/12/2016 for safe custody. Baby **EP a.k.a. JN** was officially committed at House of Charity Children's Home by the Nairobi Children's Court on 15/2/2017 vide **Protection and Care case number [xxxx]**.

By a letter dated 13<sup>th</sup> December, 2016, and a final police letter dated 15<sup>th</sup> June, 2017 from Kenyatta Police Post showed that no one had come forward to claim the child and efforts to trace the parents had borne no fruits. Baby **EP a.k.a. JN** was declared free for adoption by the Buckner Kenya Adoption Services (BKAS) case committee on 14<sup>th</sup> July, 2017 via a freeing certificate serial number 0215 in compliance with **Section 156(1)** of the **Children's Act 2001**.

The applicants approached Little Angels Networks on 16/11/2016, with an intention of being approved to adopt a male child. They were taken through the adoption process and its implication to which they agreed and committed themselves by signing the certificate of acknowledgement on 21<sup>st</sup> September, 2017.

On 16<sup>th</sup> October, 2018 the court ordered the Director of Department of Children's Services, Ministry of Labour, Social Security and Services Affairs, Nakuru County to investigate the applicants' suitability to adopt Baby **EP a.k.a. JN**. RMW of P. O. Box [xxxx], NAIVASHA was appointed as *guardian ad litem* of baby **EP a.k.a. JN**.

CLEMENT N. GISORE, for the County Children's Coordinator, Nakuru after conducting investigations by visiting and interrogating the applicants filed a favourable report in court dated 5th January, 2019 on their suitability to adopt Baby **EP a.k.a. JN**.

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 persons to adopt Baby **EP a.k.a. JN** and that they are also financially stable and have the means to provide and care for him.

For the above reasons, the court hereby orders as follows:

1. **THAT the consent of the biological parent of BABY EP be and is hereby dispensed with since the child was abandoned so soon after birth.**
2. **THAT the applicants be and are hereby authorized to adopt BABY EP and the child be known as JN henceforth.**
3. **THAT the Registrar General be and is hereby authorized to make the appropriate entries in the adopted children's register in respect of BABY JN.**
5. **THAT costs be in the cause.**

**Dated and Signed at Nakuru this 3<sup>rd</sup> day of July, 2019.**

**A. K. NDUNG'U**

**JUDGE**