



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 13 OF 2018

IN THE MATTER OF BABY MP.....MINOR

AND

JNK.....1<sup>ST</sup> APPLICANT

SNN.....2<sup>ND</sup> APPLICANT

JUDGMENT

The application is brought by way of Originating Summons and is dated the 9<sup>th</sup> August, 2018. The applicants JNK and SNN through their advocate Obura Mbeche & Company Advocates seek the following orders.

1. Spent
2. Spent
3. **THAT** the consent of the biological parent of BABY MP be dispensed with since the child was abandoned so soon after birth.
4. **THAT** the applicants be authorized to adopt BABY MP and the child be known as AKN henceforth.
5. **THAT** the Registrar-General do make the appropriate entries in the adopted children's register in respect of BABY AKN.
6. **THAT** the court does issue such other orders as may be necessary in the best interest of the child.
7. **THAT** the costs be in the cause.

The 1<sup>st</sup> and 2<sup>nd</sup> applicants are husband and wife. They hail from Naivasha within Nakuru County. The 1<sup>st</sup> applicant is employed at [particulars withheld] as a supply chain specialist while the 2<sup>nd</sup> applicant is a sales person at [particulars withheld] in Naivasha. They solemnized their marriage on 11<sup>th</sup> November, 2014 at the Registrar's office in Nairobi under the **Marriage Act, 2014** and were issued with a Certificate of Marriage serial number [xxxx]. The applicants have never been blessed with a biological child of their own due to medical complications of **JNK**. They thus desire to adopt **BABY MP**, a male child, in order that they can give parental love, have a sense of belonging and also enlarge their family.

**Baby MP** was presumably born on or about 1<sup>st</sup> March, 2014. **Baby MP** was rescued by good samaritans DAL an Italian national together with Catholic sisters who reported the matter to Muthangari Police Station Nairobi vide occurrence book number [xxxx]. On the 28<sup>th</sup> March, 2014, the Children Officer of Westlands Sub-County referred the child to House of Charity Children's Home for safe custody. **Baby MP** was officially committed to House of Charity Home on 4<sup>th</sup> February, 2015 vide the **Nairobi Children's Court Protection and Care Case Number** [xxxx]. The records available indicate that the child is in good health. The home has ensured that the child's immunization schedule was followed as per the Kenya Expanded Programme Guidelines on immunizations.

The officer in charge, Muthangari Police Station in a letter dated 23<sup>rd</sup> October, 2014 confirmed that no one had come forward to claim the minor. House of Charity Children's Home also reported that no parent or relative turned up to claim the child and neither have they received information from the Department of Children Services and Police Department regarding any claimants. The good samaritans also could not be traced since their contacts were not captured.

**Baby MP** was declared free for adoption by the **Little Angels Network** case committee in its sitting of 27<sup>th</sup> March, 2015 and a freeing certificate serial number [xxxx] was issued.

The applicants approached the Little Angels Network Case Committee on 12<sup>th</sup> November, 2014 with an intention of being placed with a male child and eventually adopting. They were taken through the adoption process and its implications to which they consented.

On 16<sup>th</sup> October, 2018, the court ordered the Director of Children's Services in the Ministry of Labour, Social Security and Services to conduct investigations as to the suitability of the applicants to adopt **Baby MP** and submit a report to court. BPM of P.O. Box [xxxx] NAIROBI was appointed *guardian ad litem* of **Baby MP**.

The Children's Department conducted a home study and interviewed the applicants on their suitability to adopt **Baby MP**. and Clement N. Gisore, for the County Co-ordinator Children Services filed a favourable report to court dated 30<sup>th</sup> December, 2018.

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 and that they are also financially stable and have the means to provide and care for **Baby MP**.

For the above reasons, the Court hereby orders as follows;

1. **THAT the applicants be and are hereby authorized to adopt baby MP and the child be henceforth called AKN.**
2. **THAT the consent of the biological parent of BABY MP be and is hereby dispensed with since the child was abandoned so soon after birth.**
3. **THAT the Registrar-General is hereby directed to make the appropriate entries in the adopted children's register in respect of BABY AKN.**
4. **THAT the costs be in the cause.**

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

A. K. NDUNG'U

JUDGE