



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 13 OF 2017**

**IN THE MATTER OF APPLICATION FOR ADOPTION OF BABY S....MINOR**

**AND**

**ANG.....APPLICANT**

**JUDGMENT**

The application is brought by way of ex parte originating summons and is dated the 17<sup>th</sup> February, 2017. The applicant **ANG** through her advocate Kimenyi & Company Advocates seeks the following orders:

**1. Spent**

**2. Spent**

**3. THAT the child be presumed to be a Kenyan Citizen, and as a consequence, be and is hereby entitled to the rights and benefits of a Kenyan citizen, including being issued with Certificate of Birth and a Kenyan Passport whenever desired.**

**4. THAT the Registrar General do make the appropriate entries in the Adopted Children Register.**

**5. THAT this Court do issue such further orders as are in the interest of justice.**

The applicant AN is single. She resides in [Particulars Withheld] Location in Laikipia West Sub-county. She is a business woman and a farmer. The applicant has never been married before due to fears that the husband would marry another wife since she cannot conceive naturally due to medical complications. She thus desires to adopt baby **S a.k.a GM**, a female minor, in order to give an opportunity to a needy child and also to have a sense of identity.

Baby **S a.k.a. GM** was presumably born on 16<sup>th</sup> November, 2012. She was found abandoned at Reuben slums and rescued by good Samaritans, Justus Musarigo and Eric Nyangau Samwel of telephone numbers 0726\*\*\*\*\* and 0716\*\*\*\*\* respectively. The matter was reported at Industrial Area police station and booked vide occurrence book no 42/17/11/12. The officer in charge Industrial Area police station sought a vacancy at Thomas Barnado House for care and protection on 17<sup>th</sup> November 2012 and the same was availed. The minor was officially admitted to the same institution on the 15<sup>th</sup> February, 2013 vide **Protection and Care Case Number 44 of 2013** at the **Nairobi Children's Court Milimani** through an application to court by the District Children's Officer's Lang'ata.

On 24<sup>th</sup> May, 2013 the officer in charge, Industrial Area Police Station in their final letter confirmed that no one had come forward to claim the minor and efforts to trace the mother of the child had been futile. Thomas Barnado House too confirmed that no relative had turned up to claim the child and that the child's health is fine.

On 8<sup>th</sup> August, 2018, the Court directed the Director Children's Services Department, Nakuru County in the Ministry of Labour and Social Protection to conduct investigations as to the suitability of the applicant to adopt baby **S aka GM** and submit a report on the findings to court. RNN of P. O. Box [Particulars Withheld], NAKURU was also appointed as *guardian ad litem* of baby **S aka GM**.

On 27<sup>th</sup> July, 2012 **ANG** approached the Kenya Children's Adoption Society in which she applied to be placed with a baby girl with a view to eventually adopt. **ANG** was taken through the adoption process and its implications which she confirmed having understood and appended her signature on 6<sup>th</sup> August 2012. She was placed with baby **S a.k.a GM** on 27<sup>th</sup> June, 2013 after a successful bonding at the home.

On 18<sup>th</sup> June 2013 the Kenya Children's Homes' case committee in its sitting declared baby **S a.k.a GM** free for adoption and issued a freeing certificate serial number **0\*\*\*** pursuant to **Section 156(1)** of the **Children's Act 2001**.

Mwangi P. Muthendu, a personnel from the Children's Department Nakuru after investigating and making a home visit filed a favourable report on the applicant's fitness to adopt Baby **S a.k.a GM** on 14<sup>th</sup> October, 2018.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to, this Court is satisfied that the applicant is suitable to adopt minor **S a.k.a GM** and she also is financially stable and have the means to provide and care for her.

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

**1. THAT the baby S be and is hereby presumed to be a Kenyan Citizen, and as a consequence, be and is hereby entitled to the rights and benefits of a Kenyan citizen, including being issued with Certificate of Birth and a Kenyan Passport whenever desired.**

**2. THAT the applicant, ANG be and is hereby authorized to adopt BABY S.**

**3. THAT BABY S be and is hereby renamed as GMNG and deemed to be born on 16<sup>th</sup> November, 2012.**

**4. THAT the Registrar General do make the appropriate entries in the Adopted Children Register.**

**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**