



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NO. 15 OF 2017
IN THE MATTER OF M M a.k.a

G P.....CHILD

AND

P N N.....APPLICANT

JUDGMENT

By way of Originating Summons dated the 27th March, 2017, the Applicant **P N N** through her advocates, Karen Wanderi & Company Advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. Spent
5. **THAT** M M W of Post office Box Number 536, NJORO in the Republic of Kenya be appointed Legal Guardian of the minor.
6. **THAT** the Applicant be authorized to adopt BABY M M to be known as **G P N N**.
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 directed to issue the child with a certificate of birth in the name of **G P N N**.

The Applicant is single. She was once married to one **G R**. Their marriage was solemnized on the 3rd day of June 1989 at Parklands Baptist Church in Nairobi. The marriage was dissolved on the 19th day of June, 2006 vide The Milimani Chief Magistrate's Court, Nairobi Divorce Cause Number 187 of 2004 where a certificate of making decree nisi absolute was issued. An undated letter from Hiari Counseling & Consultancy confirms that the Applicant has undergone counseling and has exhibited desire for growth and psychological adjustment following her divorce. The Applicant works for gain as a Lecturer at [particulars withheld]. She has no biological child of her own. Her medical history reveals that she has no

health complications. She is ready to remarry if she gets a good man who will accept her together with baby **M M a.k.a. G P N N**. The Applicant does not wish to have children out of wedlock and naturally loves children. She thus desires to adopt baby **M M a.k.a. G P N N**.

Baby **M M a.k.a. G P N N** was presumably born on 28th February, 2015 at Ngong within Kajiado District. She was abandoned by a female adult known as N in one P W's house at Ngong Township on 24th January, 2016. P W reported the matter to Ngong Police Station vide Occurrence Book Number 21/25/1/2016 since it had turned out in vain to trace the said woman. The matter was referred to Children's Department, Kajiado North District who referred the baby to Mahali Pa Maisha Infant Rescue Centre on 25th January, 2016. The same day the baby was admitted at the home. On 8th March 2016, the baby was committed to the care of the home vide Kajiado Children's Court, Protection and Care Case Number 35 of 2016.

On 26th July, 2016 the Ngong Police Station asserted that nobody had claimed the child since she was abandoned and efforts to trace her kin had been fruitless. Mahali Pa Maisha, the institution where the baby was committed also confirmed that during baby **M M a.k.a. G P N N**'s stay, no relative has turned up to claim the child. P W who rescued the child also cannot be traced to give any further details. The information on record indicate that the child is in good health and that the home ensured that the Child Immunization Schedule were properly followed as per the Kenya Expanded Programme on Immunization guidelines. Baby **M M a.k.a. G P N** is in good health as per the medical records attached and was found to be HIV negative.

The Kenya Children's Home Adoption Society took the Applicant through the adoption process and its implications and she confirmed having understood the same. The society's personnel proceeded to make a social inquiry and home study on the Applicant on the 25th June, 2015 at her residence Villa View – Naivasha. She was thereafter approved by the CHANGE Trust Committee in its sitting on 28th July 2015 to be suitable to adopt baby **M M a.k.a. G P N**.

On 12th August, 2016 baby **M M a.k.a. G P N** was declared free for adoption by Buckner Kenya Adoption Services Case Committee sitting on 12th August 2016 where a freeing certificate serial number [...] was issued. The Applicant was placed with the minor on 9th October, 2016 after successful bonding at Mahali Pa Maisha home.

On the 12th July, 2017 the Court directed that the minor be presumed a Kenyan citizen and the State Department of Social Protection, Department of Children's Services in the Ministry of East African Community, Labour and Social Protection was directed to make a report on the suitability of the Applicant to adopt baby **MG a.k.a. GPN**. On the same date, **M M W of P. O. Box 536, NJORO** was appointed as *Guardian ad litem* of the minor. The Court also dispensed with the consent of the biological parents.

Mr. Mwambi Mongare, the County Children's Coordinator, Nakuru filed a favourable report dated 25th August, 2017 on the Applicant's fitness to adopt **MG a.k.a. GPN**.

I have had occasion to consider the application and the relevant reports filed. The reports are favourable in support of the Applicant's prayers to adopt **MG a.k.a. GPN**. They are in a stable union. The Applicant has the means and conducive environment for the bringing up of the minor. The originating summons is allowed and orders issued as follows;

1. **THAT** M M W of Post office Box Number [...], NJORO in the Republic of Kenya be and is hereby appointed Legal Guardian of the minor.
2. **THAT** the Applicant be and is hereby authorized to adopt **BABY M M** to be known as **G P N N**.
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.

4. **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 **G P N N**.

Dated and Signed at Nakuru this 15th day of May, 2018.

A. K. NDUNG'U

JUDGE