



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 1 OF 2017

IN THE MATTER OF BABY G P A.K.A.

G M I.....INFANT

AND

D I K

M M K.....APPLICANTS

JUDGMENT

The Application is brought by way of Originating Summons and is dated the 17th February, 2017. The Applicants D I K and M M K duly represented by 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 G P to be known as G M I.
6. **THAT** A W M of Post Office Box 251, NAKURU 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 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 G M I.

The Applicants are husband and wife. Apart from farming for their daily upkeep, D I K is a mason and M M K does knitting. They reside in Ndimu. They have known each other since 1985. On the 20th November, 2013 their marriage was solemnized at the Registrars office, Nakuru District under the Marriage Act (Cap 150) where they were issued with a Certificate of Marriage serial No. [particulars withheld].

They have a biological son of their own who has since grown to adulthood. Due to health complications they are unable to parent another child naturally hence the desire to adopt baby **G P a.k.a. G M I**.

Baby **G P a.k.a. G M I** was presumably born in 28th March, 2016. He was found abandoned in a carton box within Kware area on 28th March, 2016. He was rescued by members of the public who took her to Ongata Rongai Police Station. The matter was recorded at Nakuru Police Station vide OB No. 5[particulars withheld]. Baby **G P a.k.a. G M I** was later taken to Mahali Pa Maisha Children Home in Kitengela for further care and protection. On 5th of July, 2016 Baby **G P a.k.a. G M I** was officially committed to the same institution as a child in need of care and protection vide Kajiado Children's Court P & C Case Number 11 of 2016.

By a letter dated 29th September, 2016, the Ongata Rongai Police Station asserted that the parents or relatives of the child cannot be traced

and none appeared to claim the child.

On the 27th June, 2017 the Court ordered the Department of Children's Services, Ministry of Labour, Social Security and Services Affairs, Nakuru County to investigate the Applicants' suitability to adopt Baby **G P a.k.a. G M I**. One **A W M** of P. O. Box 251, NAKURU was appointed as Guardian *Ad Litem* of baby **G P a.k.a. G M I**.

The Child Welfare Society of Kenya on home visit filed a favourable report dated 31st January, 2017 on the suitability of the Applicants to adopt baby **G P a.k.a. G M I**. On 5th October, 2016 the Child Welfare Adoption Case Committee in its sitting issued a Certificate Declaring a Child Free for Adoption Serial Number [particulars withheld] pursuant to Section 156(1) of the Children's Act 2001.

Mwambi Mongare, the County Children's Coordinator, Nakuru after conducting investigations by visiting and interrogating the Applicants filed a favourable report in Court dated 5th September, 2017 on the Applicants' suitability to adopt Baby **G P a.k.a. G M I**.

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 **G P a.k.a. G M I** 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 Applicants be and are hereby authorized to adopt BABY G P to be known as G M I.
2. **THAT** A W M of Post Office Box 251, NAKURU 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 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 M I.

Dated and Signed at Kisii this 10th day of May, 2018.

A. K. NDUNG'U

JUDGE