



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NUMBER 31 OF 2015**

**IN THE MATTER OF P a.k.a L a.k.a**

**L R.....INFANT**

**AND**

**J K R.....1ST APPLICANT**

**J M M.....2ND APPLICANT**

**JUDGMENT**

The Application is brought by way of Originating Summons and is dated the 30th June, 2015. The Applicants **J K R** and **J M M** through their advocate J. M. Rioba & Rioba Company Advocates seek the following orders:

**1. Spent**

**2. Spent**

**3. THAT the consent of the biological parents of the subject herein be dispensed with as the minor was abandoned at a tender age of approximately a year old and to date efforts to trace the parents gave proved futile.**

**4. THAT the minor herein be presumed a Kenyan citizen having been found abandoned within Karen Area in Nairobi, in the Republic of Kenya at an approximate age of 2 years and no known whereabouts of the parents.**

**5. THAT the Applicants be authorized to adopt the subject herein and the child be henceforth called L R.**

**6. THAT the Registrar-General do make the appropriate entries in the adopted children's register in respect of the minor herein and a birth certificate thereof do issue to reflect the same.**

**7. THAT the costs be in the cause and Court does issue such other orders as may be necessary in the best interest of the child.**

The Applicants **J K R** and **J M M** are husband and wife. They reside in Ndururumo-Nyahururu and do business for a living. They got married in the year 1989 under the Kikuyu Customary Laws and later solemnized their marriage under the African Christian Marriage and Divorce Act (CAP 151) at A.I.P.C.A. Ndururumo in Laikipia District on 27th August, 2011 where they were issued with a Certificate of Marriage serial No.[particulars withheld]. The couple have never been blessed with a child of their own as the 2nd Applicant is unable to conceive due to health complications in her tubes. The quest for a child without success led the couple to the desire to adopt baby **P a.k.a L a.k.a L K**.

Baby **P a.k.a L a.k.a L K** was presumably born on 16th August, 2010. He was found abandoned within Karen area in Nairobi on 1st September, 2012 and rescued by a good samaritan Boniface Mwendwa. The minor was taken to Karen Police Station where the matter was reported and recorded vide Occurrence Book Number [particulars withheld]. Baby **P a.k.a L a.k.a L K** was later taken to Children's Garden Home in Kawangware for temporary accommodation vide the Karen Police Station letter dated 3rd September, 2012. On the 5th September, 2012 the minor was admitted to Nairobi Children's Home by the Nairobi Children's Court as a child in need of care and protection. On 9th November, 2012 baby **P a.k.a L a.k.a L K** was officially committed to Happy Life Children's Home Roysambu vide the Nairobi Children's Court P & C Case Number 411/2012 and received in the institution on 13th November, 2012 as an abandoned child.

On the 22nd June, 2016 the Court appointed J K G of Ndaragwa as the *Guardian ad Litem* of Baby **P a.k.a L a.k.a L K**. The Court also

ordered the Director of Children's Services in the Ministry of Gender, Children and Social Development to conduct investigations as to the suitability of the Applicants to adopt the minor and submit the report on the findings.

By a letter dated 15th September, 2014 the Karen Police Station confirmed that no one has appeared to claim the minor and efforts to trace the parents and relatives of the minor have been futile. The good samaritan was also unavailable to give comments since he left no contacts.

On the 12th September, 2014, The Kenya Children's Homes Adoption Society conducted a home study on the Applicants at their residence in Ndururumo-Nyahururu and filed a favourable report dated 23rd April, 2015. The Applicants were approved to be suitable adoptive parents of Baby **P a.k.a L a.k.a L K**. The minor was declared free for adoption by the Society in its agency's case committee sitting of 10th December, 2014 where a Certificate Declaring a Child Free for Adoption Serial Number [particulars withheld] was issued. The Applicants were placed with the minor on 22nd December, 2014.

The Sub-County Children's Officer, Laikipia West conducted investigations by visiting and interrogating the Applicants and filed a favourable report in Court dated 19th September, 2017 on the Applicants' suitability to adopt Baby **P a.k.a L a.k.a L K**.

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 **P a.k.a L a.k.a L K** 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 parents of the subject herein be and is hereby dispensed with as the minor was abandoned Karen area in Nairobi at a tender age of approximately a year old and to date efforts to trace the parents gave proved futile.
2. **THAT** the minor herein be and is hereby presumed a Kenyan citizen having been found abandoned within Karen Area in Nairobi, in the Republic of Kenya at an approximate age of 2 years and no known whereabouts of the parents.
3. **THAT** the Applicants be and are hereby authorized to adopt the subject herein and the child be henceforth called **L R**.
4. **THAT** the Registrar-General is hereby authorized to make the appropriate entries in the adopted children's register in respect of the minor herein and a birth certificate thereof do issue to reflect the same.

**Dated and Signed at Nakuru this 7th day of May, 2018.**

**A. K. NDUNG'U**

**JUDGE**