



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 42 OF 2015

IN THE MATTER OF V K a.k.a V L K..... MINOR

AND

C E.....APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons and is dated the 22nd October, 2015. The Applicant **C E** through her advocate Makori & Rioba & Company Advocates seeks the following orders:

1. Spent

2. Spent

3. THAT the consent of the biological parents of the minor herein be dispensed with since the child was abandoned at a tender age of almost 2 ½ years and, to date has been unclaimed and efforts to trace the parents proved futile.

4. THAT the Applicant be authorized to adopt and the child be henceforth called **V L K**.

5. THAT the Honourable Court be pleased to presume the child a Kenya Citizen having been found abandoned in Eldoret at a tender age of 2 years and no known whereabouts of the parents.

6. THAT the Registrar-General do make the appropriate entries in the adopted children's register in respect of **V L K**.

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

The Applicant **E C** is a single lady. She resides in Londiani. She does commercial and subsistence farming for her daily upkeep. Due to unavoidable circumstances, the Applicant has not been able to bear a child of her own hence the desire to adopt baby **V K a.k.a. V L K**.

Baby **V K a.k.a. V L K** was presumably born on 20th December, 2010. He was found abandoned in Eldoret on 12th July 2013 by an administration police officer who rescued him and took him to Central Police Station. The matter was reported and recorded at Eldoret Central Police Station vide OB No. [particulars withheld]. The child was placed at Lewa Children's Home for a temporary stay pending investigations by the police. On 14th November, 2014 the minor was committed to the same institution vide P & C Case No. 503/2014 by the Eldoret Children's Court.

On 18th December, 2014, vide P & C Case No. 72 of 2014 Eldoret Children's Court, the minor was committed and transferred to Thomas Barnado House which institution is a registered Adoption Society. The medical records of the child indicate that the child is in good health and his HIV status is negative. He was rescued past the immunization age hence he was not immunized.

On 27th March 2017, the Court directed the Director of Children's Services in the Ministry of Gender Children and Social Development to conduct investigations as to the suitability of the Applicant to adopt minor **V K a.k.a. V L K**. One **G K M** of P.O. Box 14463 – 20100 Nakuru was also appointed as *Guardian Ad Litem* of minor **V K a.k.a. V L K**.

By a letter dated 27th January, 2015 the Eldoret Police Station asserted that no one has come forth to claim the minor nor have the parents or relatives of the minor been traced.

The Case Committee of The Kenya Children's Homes Adoption Society in a meeting held on 16th June, 2015 declared the minor free for adoption and issued a Certificate of Declaring a Child Free for Adoption Serial Number [particulars withheld]. The minor **V K a.k.a. V L K** was also placed with the Applicant.

Julius Morumbi Ngoko, the Sub County Children's Officer, Kipkelion conducted investigations by visiting and interrogating the Applicant and filed a favourable report in Court dated 28th July, 2017 on the Applicant's suitability to adopt minor **V K a.k.a. V 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 Applicant is suitable to adopt minor **V K a.k.a. V L K** and she also is 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 minor herein be and is hereby dispensed with since the child was abandoned at a tender age of almost 2½ years and, to date has been unclaimed and efforts to trace the parents proved futile.

2. THAT the Applicant be and is hereby authorized to the minor adopt and the child be henceforth called **V L K**.

3. THAT the child be presumed to be a Kenyan citizen having been found abandoned in Eldoret at a tender age of 2 years.

4. THAT the Registrar-General is hereby authorized to make the appropriate entries in the adopted children's register in respect of **V L K**.

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

A. K. NDUNG'U

JUDGE