



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 16 OF 2017

IN THE MATTER OF APPLICATION FOR ADOPTION OF

BABY K R.....MINOR

AND

S M.....APPLICANT

JUDGMENT

The Application is brought by way of Originating Summons and is dated the 27th March, 2017. The Applicant **S M** through her advocate Obura Mbeche & Company Advocates seeks the following orders:

1. Spent
2. Spent
3. **THAT** the consent of the biological parent of BABY K R be dispensed with since the child was abandoned so soon after birth.
4. **THAT** the applicants be authorized to adopt BABY K R and the child be known as N W K henceforth.
5. **THAT** the Registrar-General do make the appropriate entries in the adopted children's register in respect of N W K.
6. **THAT** the Court does issue such other orders as may be necessary in the best interest of the child.
7. **THAT** costs be in the cause.

The Applicant **S M** is a single lady. She resides within Nakuru County. She is a businesslady operating a salon in Nakuru Town known as [particulars withheld] Beauty Salon. Due to her medical condition, she has not been able to bear a child of her own hence the desire to adopt baby K R a.k.a. N W K.

Baby **K R a.k.a. N W K** was presumably born on 24th February, 2015. She was found abandoned by a good samaritan. The good samaritan in company of a police officer from Subukia Police Station took the baby to the Rift Valley Provincial Hospital. Baby **K R a.k.a. N W K** was admitted at the hospital on 25th February, 2015 vide inpatient number [particulars withheld] weighing 2.7 kilogrammes. Baby **K R a.k.a. N W K** remained in the hospital until 9th March 2015 when she was discharged and instantly a report was made to Nakuru Police Station vide occurrence book number [particulars withheld]. Baby **K R a.k.a. N W K** through the District Children's Officer's request was on the 10th March 2015 admitted to Africa Gospel Baby Centre for care and protection. On 12th May, 2015 baby **K R a.k.a. N W K** was officially committed to the same institution by the Nakuru Children's Court vide Protection and care case number [particulars withheld].

On 3rd November, 2015 the Nakuru Police Station in their final letter confirmed that no one had come forward to claim for the minor and efforts to trace his kindred had been futile. The AGC Baby Center too confirmed that no relative had turned up to claim the child and that the child's health is fine.

On 11th July, 2017, the Court directed the Director Children's Services in the Ministry of East African Community, Labour and Social Protection, State Department of Social Protection, Department of Children's Services, Nakuru County Children's Office to conduct investigations as to the suitability of the Applicant to adopt baby **K R a.k.a. N W K** and submit a report on the findings to court. **S M T** of P. O. Box 7078-20100, NAKURU was also appointed as *Guardian Ad Litem* of baby **K R a.k.a. N W K**.

The Case Committee of Buckner Kenya Adoption Services (BKAS) in its sitting on 8th July, 2016 deliberated and came to a conclusion that baby **K R a.k.a. N W K** be availed for adoption and that the same would be in the best interest of the child. A Certificate to Declare the Child Free for Adoption Number [particulars withheld] was issued dated the same day. On 8th August, 2016 the Applicant received approval through Buckner Kenya Adoption Services (BKAS) for placement with baby **K R a.k.a. N W K**. The Applicant was taken through the “explanatory memorandum for adoptive parents” and she confirmed to have acknowledged and understood it by signing a Form of Certificate of Acknowledgement dated 25th August, 2015. The Applicant also appointed M P and P S to be the legal guardians of the baby **K R a.k.a. N W K** who had given consent vide their affidavit dated 27th March, 2017.

On 24th August 2017, Maureen Omondi, a personnel at the Nakuru County Children's Office visited the home of the Applicant and conducted investigations as to the suitability of the Applicant to adopt baby **K R a.k.a. N W K**. Mwambi Mongare, the County Children's Coordinator, Nakuru filed a favourable report in Court dated 25th August, 2017.

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 **K R a.k.a. N W K** 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 consent of the biological parents of BABY K R be and is hereby dispensed with since the child was abandoned so soon after birth.
2. **THAT** the applicant be and is hereby authorized to adopt BABY K R and the child be known as N W K henceforth.
3. **THAT** the Registrar-General be and is hereby authorized to make the appropriate entries in the adopted children's register in respect of N W K.
4. **THAT** costs be in the cause.

Dated and Signed at Nakuru this 12th day of June, 2018.

A. K. NDUNG'U

JUDGE