



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 14 OF 2016

IN THE MATTER OF BABY M J a.k.a. E K RMINOR

AND

J K R.....1ST APPLICANT

A C N.....2ND APPLICANT

JUDGMENT

The application is brought by way of Originating Summons and is dated the 17th June, 2016. The Applicants J K R (JKR) and A C N (ACN) through their advocate J. M. Rioba & Rioba Company Advocates seek the following orders.

1. Spent

2. Spent

3. Spent

4. THAT the applicants be authorized to adopt the said child and the child be henceforth called E K R.

5. THAT the child be presumed to be a Kenyan Citizen having been found abandoned at the tender age of approximately 2 years in Ongata Rongai within the Republic of Kenya.

6. THAT the Registrar-General do make the appropriate entries in the Adopted children's register in respect of the minor and issue an Adoption Certificate hereof.

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

The 1st and 2nd applicants are husband and wife. They hail from [particulars withheld] area within Molo. They are farmers and they also do business. The Applicants solemnized their marriage in the year 1986 under the Kalenjin Customary Laws as per the affidavit of marriage on record dated 24th April, 2012. This is the 2nd marriage for the 1st applicant and the 1st marriage for the 2nd applicant. The 1st wife of the 1st applicant is E R and they have five biological children. **JKR** and **ACN** have one biological female child known as J C who is married. **JKR** and **ACN** desire to adopt a male child, baby **MJ a.k.a. EKR** since they want to expand their family and eventually be a heir to their property. They also have the urge to provide a home and love to a needy child. E R and J C have no objection to the Applicants' intentions and have given consent vide their letters dated 28th April, 2012 and 8th March, 2012 respectively. The step children of the 2nd applicant are aware of the applicants' intentions and have written consent letters to this effect dated 1st May, 2012.

In the year 2008, the applicants approached the Kenya Children's Homes Adoption Society with an intention of being ratified for placement with a child with a view to eventually adopting. They were taken through the adoption process and its implications to which they agreed and committed themselves by signing the certificate of acknowledgement on 10th May, 2012.

The society's personnel conducted a home visit and interviewed the applicants at their Molo residence on 19th July, 2012. The Society's Case Committee in its sitting on 18th September, 2012 found the applicants to be suitable prospective adoptive parents. They were later on 31st March, 2014 placed with the baby **MJ a.k.a. EKR** from Thomas Barnado House after successful bonding at the said home.

Baby **MJ a.k.a. EKR** was presumably born on 4th December, 2009. Baby **MJ a.k.a. EKR** was abandoned on 3rd October 2011 in Rongai Kware. Catherine Wambui, a good samaritan rescued the minor and stayed with him for two days hoping that his parents would come looking for him but in vain. The matter was reported at Ongata Rongai Police Station vide Occurrence Book Number 63/3/10/2011. Baby **MJ a.k.a. EKR** was admitted at Fatima Children's Care and Nutrition Centre on 7th October, 2011 vide an admission letter dated the same day. The Kajiado North District Children's Officers vide a letter dated 6th November, 2013 transferred the minor to [particulars withheld] House. The admission letter to The admission letter to Thomas Barnado House is dated 11th November, 2013. Baby **MJ a.k.a. EKR** was officially committed to [particulars withheld] House by the Children's Court at Nairobi on 11th December, 2013 vide **Protection and Care Case Number 420 of 2013**. The minor was also declared a Kenyan Citizen by the same court.

House is dated 11th November, 2013. Baby **MJ a.k.a. EKR** was officially committed to [particulars withheld] House by the Children's Court at Nairobi on 11th December, 2013 vide **Protection and Care Case Number 420 of 2013**. The minor was also declared a Kenyan Citizen by the same court.

The medical reports of baby **MJ a.k.a. EKR** indicate that he is in good condition, his HIV status is negative.

Vide a letter dated 18th November, 2013 the Ongata Rongai Police Station asserted that investigations have been done and since when the child was abandoned, no one went to the station to claim the child.

On 29th August, 2016, the court ordered the County Coordinator Children's Services in the Ministry of Labour and Social Security and Services to conduct investigations as to the suitability of the applicants to adopt the minor and submit a report on his findings to court. One M K T of identity card number [particulars withheld] and of P.O. Box 127, MOLO was appointed as *guardian ad litem* of baby **MJ a.k.a. EKR**. The consent of the biological parents was dispensed with.

Baby **MJ a.k.a. EKR** was freed for adoption by the Kenya Children's Homes Adoption Society's Case Committee on its sitting of 12th February, 2014 and a freeing certificate serial number [particulars withheld] issued pursuant to **Section 156(1)** of the **Children's Act 2001**. Since placement with the minor, the applicants have bonded well and expressed great joy and contentment with the minor.

As a result of a home visit made on 29th March, 2017 where the applicants were interrogated on their fitness to adopt Baby **MJ a.k.a. EKR**, One K C.K. for the County Coordinator Children's Services, Nakuru County filed a favourable report dated 14th May, 2017.

This Court has had occasion to consider the application and the relevant reports filed. In the best interest of the child it is hereby ordered;

1. THAT the applicants be and are hereby authorized to adopt baby MJ a.k.a. EKR and the child be henceforth called E K R.
2. THAT the child be and is hereby presumed to be a Kenyan Citizen having been found abandoned at the tender age of approximately 2 years in Ongata Rongai within the Republic of Kenya.
3. THAT the Registrar-General be and is hereby directed to make the appropriate entries in the Adopted children's register in respect of the minor and issue an Adoption Certificate hereof.
4. THAT costs be in the cause.

Dated and Signed at Nakuru this 9th day of October, 2018.

A. K. NDUNG'U

JUDGE