



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NUMBER 9 OF 2016

IN THE MATTER OF PWK a.k.a

LN.....MINOR

AND

JKM

CWN.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 14th April, 2016. The Applicants JKM and CWN through Karen Wanderi & Company Advocates seek the following orders:

1. Spent
2. Spent
3. Spent
4. Spent
5. THAT the Applicant be authorised to adopt PWK a.k.a. LNK infant.
6. THAT HMN of Post Office Box [Particulars Withheld] NYAHURURU in the Republic of Kenya be appointed Legal Guardian of the minor.
7. THAT it be 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 the Schedule to this Order.
8. THAT the Registrar of Births and Deaths be directed to issue the infant with certificate of birth in the name of LNK.

JKM is a Teacher employed by Teachers Service Commission while CWN is a Secretary with the Ministry of Agriculture, Livestock and Fisheries. They were married under the African Christian Marriage and Divorce Act (CAP 151) at Peace Makers Fellowship Church on 28th July 2007. They have

never been blessed with a child of their own as E is unable to conceive. Medical tests have revealed that there is a problem with the uterus hence the desire to adopt baby **PWK a.k.a LNK** (minor). They have been living with the minor since 19th May, 2015.

PWK a.k.a LNK (minor) was presumably born on 13th May 2012. On the 13th May 2014 she was found abandoned together with her sister **EWK a.k.a NK** in Bondeni by a Good Samaritan; one **EW** of telephone number [Particulars Withheld]. She was rescued and the matter reported at Bondeni Police Station vide OB No. [Particulars Withheld].

On 13th May 2014 **PWK a.k.a LNK** (minor) was admitted to Africa Gospel Church Baby Centre – Nakuru. On 16th May 2014 she was now officially committed to the same institution vide Nakuru Children's Court P & C Case Number 188 of 2014 for further care and protection for a period of three years. Her medical record shows that the minor is in good health having received all the immunizations as per the Kenya Expanded Programme on immunizations guidelines.

By a letter dated 26th January 2015 the Bondeni Police Station asserted that since the matter was reported at their station, no one had gone to claim the minor and efforts to trace the relatives of the minor were futile.

On 11th February, 2015 the Kenya Children's Home Adoption Society in its sitting freed the minor for adoption and issued a Certificate of Declaring A Child Free For Adoption Serial Number 1225.

On 11th July, 2016 the Court directed the County Director Children's Department, Office of the Deputy President, Ministry of Gender and Youth Affairs Nakuru to investigate the Applicants' fitness to adopt and file a report. Ms Maureen Omondi, Sub County Children's Officer Nakuru after conducting investigations by visiting and interrogating the Applicants filed a favourable report in court dated 13th September, 2016 on the Applicants' suitability to adopt **PWK a.k.a LNK** (minor).

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to and also after hearing the submissions by Mrs Wambui counsel for Applicant, this court is satisfied that the applicants are suitable persons to adopt **PWK a.k.a LNK** (minor) and that they are also financially stable and have the means to provide and care for her.

For the above reasons, the court hereby order as follows:

1. THAT the Applicant be authorised to adopt **PWK a.k.a. LNK** infant.
2. THAT **HMN** of Post Office Box [Particulars Withheld] **NYAHURURU** in the Republic of Kenya be 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 the Schedule to this Order.
4. THAT the Registrar of Births and Deaths to issue the infant with certificate of birth in the name of **LNK**.

Dated, Signed and Delivered at Nakuru this 4th April, 2017

A. K. NDUNG'U

JUDGE