**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NO.8 OF 2016**

**IN THE MATTER OF BABY E W K a.k.a N K.....MINOR**

**AND**

**J K M**

**C W N.....APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons and is dated the 14th April, 2016. The Applicants **J K M** and **C W N** through Karen Wanderi & Company Advocates seek the following orders:

1. Spent

2. Spent

3. Spent

4. Spent

5. THAT the Applicants be authorized to adopt BABY E W K a.k.a. N N K.

6. THAT H M N of ***Particulars withheld*** in the Republic of Kenya be appointed Legal Guardian of the minor.

7. THAT it is directed that the Registrar General shall make in the Adopted Children Registrar 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 and is hereby directed to issue the infant with a certificate of birth in the name N NY K

J K M is a teacher employed by Teachers Service Commission while CW N is a Secretary by profession working with the ***particulars withheld*** They were married under the African Christian Marriage and Divorce Act (CAP 151) at ***particulars withheld*** issued. They have never been blessed with a child of their own as C is unable to conceive due to some health complication in her uterus hence the desire to adopt **EWK a.k.a NNK** (minor)**.** They have been living with the minor since 19th May, 2015.

**EWK a.k.a NNK** (minor) was presumably born on 13th May 2012. She was found abandoned on 13th

May 2014 around Lake View in Bondeni together with her sister PW by a Good Samaritan. EWK a.k.a. NNK (minor) had been run over by a hit and run motorbike and had sustained a deep cut on the right side of the head. They were both rescued by a Good Samaritan namely Esther Wanjiku. The matter reported to Bondeni Police Station and was recorded vide

On 13th May 2014 through the OCS Nakuru Police Station the minor ***Particulars withheld*** was admitted at the African Gospel Church Baby Centre and on 16th May 2014 she was officially committed to the same institution for care and protection vide Nakuru Children's Court P & C Case Number 188 of 2014. The information on record indicate that the child is in good health and that the home ensured that the Child Immunization Schedule were properly followed as per the Kenya Expanded Programme on immunizations guidelines.

By a letter dated 26th January, 2015 Bondeni Police Station asserted that no one has ever gone to claim the child and efforts to trace the relatives of the minor were futile. Also efforts by the Kenya Children's Home Adoption Society to trace the Good Samaritan (Esther Wanjiku) were futile as her number was out of reach.

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.

On 11th July 2016 H M N of ***particulars withheld*** was appointed *Guardian ad Litem* of the minor herein and the County Director of Children's Department, Office of the Deputy President, Ministry of Gender and Youth Affairs, Nakuru were ordered by the Court 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 reports in court dated 13th September, 2016 on the Applicants' suitability to adopt **EWK a.k.a NNK** (minor).

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to at the hearing hereof, this court is satisfied that the applicants are suitable persons to adopt **EWK a.k.a NNK** (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 orders as follows:

1. The Applicants are hereby authorized to adopt E WK a.k.a. N N K.

2. H M N of Post ***particulars withheld*** in the Republic of Kenya is hereby appointed Legal Guardian of the minor.

3. The Registrar General do make in the Adopted Children Registrar an entry recording the adoption in accordance with the particulars set out in the schedule to this order.

4. The Registrar of Births and Deaths is hereby directed to issue the minor with a certificate of birth in the name N NY K.

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

**A. K. NDUNG'U**

**JUDGE**