



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
ADOPTION CAUSE NUMBER 15 OF 2016
IN THE MATTER OF BABY C I a.k.a

C K M.....INFANT

AND

N M M1ST APPLICANT

L W M.....2ND APPLICANT

RULING

The Application is brought by way of Originating Summons and is dated the 23rd June, 2016. The Applicants NMM and LWM through Obura Mbeche & Company Advocates seek the following orders:

1. Spent
2. Spent
3. THAT the consent of the biological parent of Baby C I be dispensed with since the child was abandoned three years after birth.
4. THAT the applicants be authorised to adopt Baby C I and the child be known as C K M henceforth.
5. THAT the Registrar-General do make the appropriate entries in the Adopted Children's register in respect C K M.
6. THAT the court do issue such other orders as may be necessary in the best interest of the child.
7. THAT the costs be in the cause.

The applicants are husband and wife. N M M is a retired Animal Health Officer while L W M was once a school matron but quit to do farming which they both do today. They were married under the Kikuyu Customary Laws and rites in 1984 and later on 18th March, 2001 they celebrated their marriage under the African Christian Marriage and Divorce Act (CAP 151) at Registrar's office in Nairobi where they were issued with a Certificate of Marriage serial No.[Particulars withheld]. They have never been blessed with a child of their own hence the desire to complete a family by adopting baby CI a.k.a CKM. They

have been living with the baby since 23rd June, 2016.

Baby **CI a.k.a CKM** was presumably born on 12th January, 2012. He was abandoned at Umoja area, Nairobi. The matter was recorded at Savannah Post Police Station vide OB No. [Particulars withheld]. Baby **CI a.k.a CKM** was admitted at Imani Children's Home for care and protection.

On 5th October, 2012 Baby **CI a.k.a CKM** was officially committed to the same institution as a child in need of care and protection vide Nairobi Children's Court P & C Case Number 425 of 2012.

On 20th day of February, 2017 M N was appointed *Guardian ad litem* of **CI a.k.a CKM** and the Nakuru County Coordinator of Children's Services in the Ministry of Home Affairs was directed to conduct investigations as to the suitability of the Applicants to adopt **CI a.k.a CKM** and submit a report of their findings to court.

By a letter dated 27th July, 2015, the Buruburu Police Station asserted that since the matter was reported at their station, their investigation show that no one had gone to claim the baby and efforts to trace the kindred of the baby have been futile.

J. K. Chege, Sub County Children's Officer Naivasha Sub-county after conducting investigations by visiting and interrogating the Applicants filed favourable reports in court dated 7th April, 2017 on the Applicants' suitability to adopt **Baby CI a.k.a CKM**. The Little Angels Network also filed a separate report on both the applicants and **Baby CI a.k.a CKM**. They also recommended the applicants request to adopt the baby.

On 7th August, 2015 the Little Angles Network in its sitting freed Baby **CI a.k.a CKM** for adoption and issued a Certificate Of Declaring A Child Free For Adoption Serial Number 001699 pursuant to **Section 156(1)** of the **Children's Act 2001**.

Upon reading the reports from the Naivasha Sub-county Children's office and The Little Angels Network it is observed that all the legal requirements have been adhered. On observing the demeanor of the applicants and that of the child at the hearing hereof, this court is satisfied that the applicants are suitable persons to adopt Baby **CI a.k.a CKM** and that they are also financially stable and have the means to provide and care for him.

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

1. The consent of the biological parent of Baby **C I** be dispensed with since the child was abandoned after birth.
2. The applicants be authorised to adopt Baby **C I** and the child be known as **C K M** henceforth.
3. The Registrar-General do make the appropriate entries in the Adopted Children's register in respect **C K M**.
4. Costs be in the cause.

Dated, Signed and Delivered at Nakuru this 13th day of July, 2017

A. K. NDUNG'U

JUDGE