



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 20 OF 2014

IN THE MATTER OF S N a.k.a. J M.....MINOR

AND

J G N

V N.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 4th day of June, 2014. The Applicants **JGN** and **VN** seek the following orders:

- (1) Spent
- (2) Spent
- (3) Spent
- (4) That the applicants be authorised to adopt the said child and the child be henceforth called J M.
- (5) Spent
- (6) That the Registrar-General do make the appropriate entries in the Adopted children's register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth Certificate in respect thereof.
- (7) That the court does issue such other orders as may be necessary in the best interest of the child.
- (8) That the costs be in the cause.

The Applicants **JGN** and **VN** (hereinafter the applicants) are husband and wife. They were married under The African Christian Marriage and Divorce Act (Cap.151) on 16th January, 2000 at Full Gospel Church, Elburgon. Both of them do business. They have acquired all their property together, grown spiritually and look forward to better days ahead. Despite medical treatment, they are not blessed with a biological child of their own. They desired to be parents and hence opted for adoption.

They wish to adopt baby **SN a.k.a. JM**. Baby **SN a.k.a. JM** was born prematurely on 7th November, 2011 at Naivasha District Hospital as a result of induced abortion by the mother, **SN**. The mother

absconded from the ward leaving behind baby **SN a.k.a. JM**. She was taken care of at the Hospital Nursery for three months. On 21st February, 2012 a Social Workers did a report and discharge summary on the baby from Naivasha District Hospital and on 22nd February, 2012 she was admitted to AGCBC (African Gospel Church Baby Centre) vide Naivasha Children's Court Care and Protection Case No.56 of 2012. The institution offered all the immunizations and also monitored her health growth.

Naivasha Police Station on 21st September, 2012 wrote a letter confirming that efforts to trace the child's kindred have borne no fruits. On 16th October, 2012 the Kenya Children's Homes Adoption Society Case Committee at their sitting declared the child free for adoption vide a Freeing Certificate No.886.

Baby **SN a.k.a. JM** has been living with the applicants since 20th December, 2012 and has bonded well with the family.

Prior to the hearing of the adoption, an officer from Nakuru County Children's Services filed a report in court favouring and recommending the applicant's decision/application to adopt baby **SN a.k.a JM**.

The *Guardian ad Litem*, **JC** of P. O. Box [particulars withheld] , ELBURGON swore an affidavit on 4th November, 2014, confirming that the applicants are well known to her and that she understood her responsibility on the baby incase of incapacitation on the part of the applicants.

I have had occasion to consider the application and the relevant reports filed. All the reports are favourable in support of the applicants' prayer to adopt **Baby SN a.k.a. JM**. They are in a stable union, they have the means and a conducive environment for the bringing up of the minor.

For the above reason, the Originating Summons on application for an adoption order dated 4th day of November, 2014 is hereby allowed and the following orders granted:

- ii. The consent of the biological parents of the minor be dispensed with since the child was abandoned at the hospital soon after birth and to date has been unclaimed and efforts to trace the parents approved futile.
- iii. The Applicants be authorised to adopt **Baby SN a.k.a. JM** and she be henceforth called **JM**
- iv. The child be presumed to be a Kenyan Citizen having been found in Kenya at the time of birth
- v. The Registrar-General do make the appropriate entries in the Adopted Children Register in respect of the minor herein and a Birth Certificate thereof do issue to reflect the same.

Dated, Signed and Delivered at Nakuru this 8th day of March, 2016

A. K. NDUNG'U

JUDGE