



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAKURU**  
**ADOPTION CAUSE NO. 1 OF 2015**

**IN THE MATTER OF K**

**a.k.a. J M M.....MINOR**

**AND**

**B M M**

**E N M.....APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons and is dated the 12<sup>th</sup> day of January, 2014. The Applicants **B M M and E N M** through their advocate seek the following orders:

i Spent

ii. Spent

iii. The consent of the biological parents of the minor be dispensed with since the child was abandoned at a tender age and who to date has been unclaimed and efforts to trace the parents approved futile.

iv. That the Applicant be authorised to adopt the minor herein and the child henceforth be called **J M M**

v. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of the minor herein.

vi. That the minor herein be presumed a Kenyan citizen as he was found abandoned within Kenya while below the age of eight years.

vii. That the court does issue such orders as may be necessary in the best interest of the child.

viii. That the costs be in the cause.

The Applicants **B M M** and **E N M** (hereinafter the applicants) are husband and wife. **B M M** is a driver with [particulars withheld] Services Company while **E N M** runs her [particulars withheld] tailoring

shop. They were married under Under the African Marriage & Divorce Act at [particulars withheld], Machakos Church on 18th November, 2000. They have tried to have their own biological children but due to some health problem they were not blessed with any. They desired to be parents and hence opted for adoption.

The Baby **K a.k.a. JMM** was presumably born on 5th February, 2011. He was found on 23rd September, 2013 at [particulars withheld] in Mau Division, Ntulele Location in Narok North District by a good Samaritan who took him to Narok Police Station and the report was booked vide OB No. [particulars withheld] and the baby was referred to Narok Sub County Children's Officer who made a temporary accommodation while they sought safe custody.

On 27th November, 2013 the baby **K a.k.a. JMM** was admitted to Thomas Barnardo House as a child in need of care and protection and was later, on 30th November, 2013 vide Narok Children's Court P & C Case No. [particulars withheld] of 2013 officially committed to the same institution where his growth was monitored and all immunizations given.

The Narok Police Station confirmed through their letter dated 3rd May, 2014 that no one went to claim the baby and their effort to trace the kindred of the child did not bear fruits. The Kenya Children's Homes Adoption Society's Case Committee on its sitting declared baby **K a.k.a. JMM** free for adoption vide Certificate declaring a child free for adoption Serial No. [particulars withheld] dated 21st May, 2014 was also filed.

On 12th January, 2015 **J M N** of P. O. Box [particulars withheld], **NAKURU** sworn an affidavit consenting appointment as *Guardian ad Litem* and that he understood his responsibility on the baby **K a.k.a. JMM** in case of incapacitation on the part of the applicants. On 12th October, 2015 he was officially appointed *Guardian ad Litem*,

On the same date (12th October, 2015), the County Director of Children's Services in the Ministry of Gender, Children and Social Development was ordered to investigate the Applicants' fitness to adopt baby **K. a.k.a JMM** and filed a report.

The County Director, Children's Services after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 15th November, 2015 in court on the Applicants' suitability to adopt Baby **K. a.k.a JMM**. Since 1st July, 2014 baby **K. a.k.a JMM** has been living with the applicants.

Upon reading the above report and satisfying myself that all the legal requirements have been adhered to and also after 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 **K. a.k.a JMM** and that they are also financially stable, have a good home and have the means to provide and care for him

For the above reasons, the court hereby orders as follow:

- i) The consent of the biological parents of the minor be dispensed with since the child was abandoned at a tender age and who to date has been unclaimed and efforts to trace the parents approved futile.
- ii) That the Applicants be authorised to adopt the baby herein and the child henceforth be called **J M M**.
- iii) That the Registrar-General do make the appropriate entries in the adopted children's register in respect of the minor herein.
- iv) That the minor herein be presumed a Kenyan citizen as he was found abandoned within Kenya while below the age of eight years.

Orders Accordingly.

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

**A. K. NDUNG'U**

**JUDGE**