



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**ADOPTION CAUSE NO. 5 OF 2015**

**IN THE MATTER OF MINOR B K**

**a.k.a. B K a.k.a. I N M.....MINOR**

**AND**

**SN M &**

**B MM.....APPLICANTS**

**RULING**

The Application is brought by way of Originating Summons and is dated the 24th day of February, 2015. The Applicants **S N M** and **B M M** through their advocate seek the following orders:

1. Spent
2. Spent
3. The consent of the biological parents of the minor, herein be dispensed with since the child was abandoned at a road side on 21st day of April, 2013 inside a bag and efforts to trace the parents have since proved futile.
4. That the Applicants be authorised to adopt the minor herein and the child be henceforth called **I N M**.
5. That the child be henceforth presumed a Kenyan citizen by birth having been found abandoned at [particulars withheld] junction of Kericho-Sotik road, within the Republic of Kenya at presumably new born.
6. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of minor herein and do issue a Certificate of Adoption and Birth thereto.
7. That the court does issue such orders as may be necessary in the best interest of the child.
8. That the costs be in the cause.

The Applicants **S N M** and **B M M** are husband and wife. **S N M** is a mechanic with [particulars withheld] Road while **B M M** is a clerk at [particulars withheld] Nakuru. They were married on 4th May, 2002 under the Christian Marriage and Divorce Act (Cap 151) at [particulars withheld] Nakuru. They have no

biological child having lost four children due to medical complications hence the desire to adopt **B K a.k.a. B K a.k.a. I C N M**.

Baby **B K a.k.a. B K a.k.a. I N M** has been living with the Applicants since 13th August, 2014 and has bonded very well.

The Baby **B K a.k.a. B K a.k.a. I N M** was presumably born on 21st April, 2013. He was found abandoned at [particulars withheld] junction of Kericho-Sotik road put in a bag. Good Samaritans rescued him and took him to Kericho District Hospital where he was admitted as a new born baby. After three days he was released to a Children's home for care and management. The matter was reported at Kericho Police Station vide OB No.[particulars withheld].

On 24th April, 2013 through the Children Department, Kericho the minor was admitted to Africa Gospel Church Baby Centre where he was medically examined and given all the immunizations. The minor was thereafter, vide Kericho Children's Court P. & C. case No.53 of 2013 officially committed to the same institution for care and protection.

On 25th July, 2014 vide a letter by the O.C.S., Kericho Police Station, it was confirmed that the police efforts to trace the relatives had yielded no fruits and that no one had claimed the child since he was reported abandoned.

On the 24th June, 2015 County Director, Children's Services, Office of the Deputy President, Ministry of Gender, Children and Social Development was directed by the court to investigate the Applicants' fitness to adopt and file a report. On the same date, the court also appointed J W M, ID. No.[particulars withheld] of P. O. Box [particulars withheld], NAKURU as *Guardian ad Litem* of baby **B K a.k.a. B K a.k.a. I N M**

The Nakuru County Co-ordinator, Children's Services after conducting investigations by visiting and interrogating the Applicants filed a favourable report dated 28th October, 2015 in court on the Applicants' suitability to adopt Baby **B K a.k.a. B K a.k.a. I N M**. A Certificate of declaring a child free for adoption Serial No.1123 dated 13th August, 2014 was also filed.

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 **B K a.k.a. B K a.k.a. I N M** and that they are financially stable and have the means to provide and care for him.

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

9. The consent of the biological parents of the minor, herein be dispensed with since the child was abandoned at a road side on 21st day of April, 2013 inside bag and efforts to trace the parents have since proved futile.

10. That the Applicants be authorised to adopt the minor herein and the child be henceforth called **I N M**.

11. That the child be henceforth presumed a Kenyan citizen by birth having been found abandoned at [particulars withheld] junction of Kericho-Sotik road, within the Republic of Kenya at presumably new born.

12. That the Registrar-General do make the appropriate entries in the adopted children's register in respect of minor herein and do issue a Certificate of Adoption and Birth thereto.

Orders Accordingly.

**Dated and Signed at Nakuru this 13th day of April, 2016**

**A. K. NDUNG'U**

**JUDGE**