



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 3 OF 2015

IN THE MATTER OF M a.k.a M W.....MINOR

AND

S W W.....APPLICANT

RULING

The Application is brought by way of Originating Summons and is dated the 29th day of January, 2015. The Applicants **S W W** through her advocate seek the following orders:

1. Spent
2. Spent
3. That the consent of the biological parent to Baby **M a.k.a M W** be dispensed with since the child was abandoned days after birth, to date has been unclaimed and efforts to trace the parents proved futile.
4. That the applicant be authorised to adopt the child and the child be henceforth called **M W MINOR**
5. That the minor herein be recognised as a Kenya Citizen as she was found abandoned within the Republic of Kenya at a tender age.
6. That the Registrar-General do make the appropriate entries in the adopted children's register and do issue such and 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 costs be in the cause.

The Applicant **S W W** (hereinafter the applicant) is a single lady, earlier having been in two relationships which never worked. She has never had a biological child, she decided to remain single and settled on adoption. She states that her parents have been running schools since she was young and that is how she started developing interest in children. She is an Operator cum Manager at [particulars withheld] School

which she owns. She also owns [particulars withheld]. She lives in [particulars withheld] area of Nakuru County

The applicant has been living with baby **M a.k.a M W** since 22nd July, 2014 and the baby has bonded very well and does not know any other family.

The Baby **M a.k.a M W** was presumably born on 11th November, 2013. She was abandoned on 20th November, 2013 on one of the tables at [particulars withheld] by an unknown woman. She was rescued by Lucy Nduta a Voluntary Children's Officer at Muthurwa Chief's office and taken to Kamukunji Police Station. The matter was reported and booked vide Occurrence Book No. [particulars withheld] on the same day.

On the same day, **M a.k.a M W** was admitted at Thomas Barnardo House as a child in need of care and protection. On 12th March, 2014 she was officially committed to the said institution for care and protection vide Nairobi Children's Court in Senior Resident Magistrate Children's Court P. & C. Case No. [particulars withheld] of 2014 where her growth was monitored and all immunizations given.

The Kamukunji Police Station confirmed through their letter dated 30th 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 Good Samaritan, one Lucy Nduta was contacted in order to give the status of the case and she also confirmed that no one had claimed the minor since the day she was abandoned.

The Kenya Children's Homes Adoption Society's Case Committee on its sitting of 18th June, 2014 declared baby **M a.k.a M W** free for adoption vide Certificate declaring a child free for adoption Serial No. [particulars withheld] issued pursuant to **Section 156(1)** of the **Children's Act 2001**.

On 29th January, 2015 **S N L** holder of ID. No. [particulars withheld], of P. O. Box [particulars withheld], **NAKURU** swore an affidavit consenting appointment as *Guardian ad Litem* and that she understood her responsibility on the baby **M a.k.a M W** in case of incapacitation on the part of the applicants. On 24th June, 2015 she was officially appointed *Guardian ad Litem*,

On the 24th June, 2015, the County Director of Children's Services in the Ministry of Gender, Children and Social Development was ordered to investigate the Applicant's fitness to adopt **M a.k.a M W** and file a report.

The County Director, Children's Services after conducting investigations by visiting and interrogating the Applicant filed a favourable report dated 12th August, 2015 on the Applicant's suitability to adopt Baby **M a.k.a M W**.

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 applicant and that of the child at the hearing hereof, this court is satisfied that the applicant is a suitable person to adopt Baby **M a.k.a M W** and that she is also financially stable, have a good home and have the means to provide and care for her

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

1. That the consent of the biological parent to Baby **M a.k.a M W** be dispensed with since the child was abandoned days after birth, to date has been unclaimed and efforts to trace the parents proved futile.
2. That the applicant be authorised to adopt the child and the child be henceforth called **M W**.
3. That the minor herein be recognised as a Kenya Citizen as she was found abandoned within the Republic of Kenya at a tender age.
4. That the Registrar-General do make the appropriate entries in the adopted children's register and

do issue a Birth Certificate in respect thereof.

Orders Accordingly.

Dated and Signed at Nakuru this 11th day of May, 201

A. K. NDUNG'U

JUDGE