



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 12 OF 2015

IN THE MATTER OF BABY D O a.k.a. S S J.....INFANT

AND

B O S

N A A.....APPLICANTS

RULING

The Application is brought by way of Originating Summons and is dated the 23rd day of April, 2015. The Applicants seek the following orders:

- i. Spent
- ii. Spent
- iii. Spent
- iv. That the applicants be authorised to adopt baby **DO** a.k.a. SSJ and the child be henceforth known as S S J
- v. That K S S of Post Office Box [particulars withheld] ELDORET in the Republic of Kenya be appointed Legal Guardian of the minor.
- vi. That the Registrar-General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the schedule to this order.
- vii. That the Registrar of Births and Death be directed to issue the child with a certificate of birth in the name of SSJ.

The Applicants **BOS** who is a [particulars withheld] and **NNA** who is a [particulars withheld] (hereinafter the applicants) are husband and wife. They were married under The African Christian Marriage and Divorce Act (Cap.151) on 18th December, 1999 at Holy Spirit Guiding Church, Kwa-Njenga - Nairobi.

Besides being a pastor, BOS helps his wife manage [particulars withheld] Primary School which they both own and started in 2006. They have acquired all their property together, grown spiritually and look forward to better days ahead.

Their main challenge is their inability to parent naturally. They reported that they had a child in 2001 who died after three days and later had two miscarriages. Medical tests conducted on by Moi Teaching and Referral Hospital in Eldoret revealed that with a matter of time the applicants can have children naturally. Apart from that, their health was described as stable with no major ailments that can be an impediment to parenting the prospective adoptive child. The applicants have learnt to embrace these challenges positively hence their desire to be parents and hence opted for adoption. They wish to adopt baby **DO a.k.a. SSJ**.

Baby **DO a.k.a. SSJ** was presumably born on 4th August, 2013. He was found abandoned on 5th August, 2013 in a dust bin within Free Hold Estate. He was rescued by a good Samaritan and taken to Nakuru Police Station. The matter was reported at the Nakuru Police Station vide Occurrence Book No. [particulars withheld].

The OCS, Nakuru Police Station made temporary accommodation arrangements At African Gospel Church Baby Centre where he was admitted on 8th August, 2013 as a child in need of care and protection.

On 12th August, 2013, vide Nakuru Children's Court Care and Protection Case No.362 of 2013, the child was committed to the institution for care and protection. The institution offered all the immunizations and also monitored his health growth.

Nakuru Police Station on 16th May, 2014 wrote a letter confirming that no one has ever gone to the station to claim the minor and efforts to trace the relatives of the child have been futile. On 18th June, 2014 the Kenya Children's Homes Adoption Society Case Committee at their sitting declared the child free for adoption and issued a Freeing Certificate serial No.[particulars withheld] .

Baby **DO a.k.a. SSJ** has been living with the applicants since 16th July, 2014 and has bonded well with the family.

On 10th November, 2015, The County Director Children's Department, Office of the Deputy President, Ministry of Gender and Youth Affairs, Eldoret was instructed by the court to investigate the Applicants' fitness to adopt and file a report. On the same day KSS of Post Office Box No.[particulars withheld] , ELDORET was appointed *Guardian ad Litem*.

Prior to the hearing of the adoption, The County Director Children's Department, Office of the Deputy President, Ministry of Gender and Youth Affairs, Eldoret filed a report in court favouring and recommending the applicants' decision/application to adopt baby **DO a.k.a. SSJ**.

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 **DO a.k.a. SSJ**. 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 23rd day of April, 2015. is hereby allowed and the following orders granted:

- i. That the applicants be authorised to adopt baby DO and the child be henceforth known as SSJ.
- ii. That KSS of Post Office Box 8153- 30100 ELDORET in the Republic of Kenya be appointed Legal Guardian of the minor.
- iii. That the Registrar-General do make in the Adopted Children Register an entry recording the adoption in accordance with the particulars set out in the schedule to this order.
- iv. That the Registrar of Births and Death do issue the child with a certificate of birth in the name of SSJ.

Orders accordingly.

Dated, Signed and Delivered at Nakuru this 13th day of July, 2016

A. K. NDUNG'U

JUDGE