



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

ADOPTION CAUSE NO. 15 OF 2012

IN THE MATTER OF BABY A K a.k.a. T C.....INFANT

AND

J C

J C B.....APPLICANTS

RULING

1. The Application is brought by way of Originating Summons and is dated the 22nd day of June, 2012. The Applicants JC and JCB seek the following orders;

- (a) That JKC be appointed guardian *ad litem* and;
- (b) That the County Director Children's Services in the Ministry of Home Affairs be directed to conduct investigations as to the suitability of the Applicants to adopt Baby AK and submit a report on his findings to court.
- (c) That consent of the biological parents of baby AK be dispensed with since the child was found abandoned and efforts to trace the parents or relatives have been unfruitful.
- (d) That the applicants be authorised to adopt baby AK and the baby be called T C
- (e) That the Registrar-General do make the appropriate entries in the Adopted Children's Register in respect of baby AK
- (f) That the court does issue such other orders as may be necessary in the best interest of the child.
- (g) That the costs be in the cause

- 2. The Baby AK was presumptuously born on 3rd July, 2007. She was found abandoned at the roadside by Embakasi Police Officers on 30th September, 2009 and the matter reported to Embakasi Police Station. On 2nd October, 2009 Baby AK was referred to Nairobi Children's Home by the Children's Court of Nairobi as an abandoned child in need of care and protection.
- 3. On 19th February, 2010 Baby AK was committed to the care and protection of African Gospel Church Baby Centre by the Senior Resident Magistrate at the Nairobi Children's Court on vide

- Protection and Care Case No. 360 of 2009. On 22nd February, 2010 Baby AK transferred to African Gospel Church Baby Centre, Nakuru for further case and protection where she was admitted as an abandoned child.
4. On 4th March, 2010, the D/OCS Embakasi Police Station furnished the home with a clearance letter confirming that no one had gone forth and laid a claim on Baby AK and that their attempts to trace her parents had not borne fruits
 5. On 8th March, 2011 at the Kenya Children's Home Adoption Society's case committee sitting, Baby AK was declared free for adoption under **Section 156(1)** of the **Children's Act** and a Freeing Certificate serial No.[particulars withheld] issued.
 6. On 1st April, 2011 Baby AK was placed with the Applicants from African Gospel Church Baby Centre, Nakuru after a successful bonding at the children's home.
 7. On the 7/8/2014 J K C was appointed the guardian *ad litem*.
 8. Mr. Pilot Khaemba, Subcounty Children's Officer, Kipkelion, after visiting and interrogating the Applicants, filed a favourable Home Visit Report dated 13th October, 2014 in court on the 7th November, 2014 on the Applicants' suitability to adopt Baby SN.
 9. Upon reading the above report and satisfying itself that all the legal requirements have been adhered to and also after observing the bondage between applicants and the child in the courts presence at the hearing hereof this court is satisfied that the applicants are suitable persons to adopt Baby AK and that they are also financially stable and have the means to provide and care for her.
 10. The application for the adoption of Baby AK is hereby allowed.
 11. The applicants are hereby allowed to adopt Baby AK. She shall be known as T C
 12. The Registrar General is hereby directed to enter this adoption order in the Adoption register.
 13. The Registrar of Births and Deaths is hereby directed to issue a Certificate of Birth in the name of **T C**
 14. The Guardian *ad Litem* is hereby discharged and J B and her husband are hereby appointed Legal Guardians of Baby AK until she attains the age of eighteen (18) years and in case of any eventualities that may befall the applicants.

Orders Accordingly.

Dated, Signed and Delivered at Nakuru this 3rd day of July, 2015

A. MSHILA

JUDGE