



**In re P aka PNN (Baby) (Adoption Cause 10 of 2019)
[2022] KEHC 10403 (KLR) (31 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 10403 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE 10 OF 2019
RB NGETICH, J
MAY 31, 2022
IN THE MATTER OF THE CHILDREN’S ACT 2001
AND
IN THE MATTER OF THE CHILDREN ADOPTION REGULATIONS 2005
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY P AKA PNN
BY**

IN THE MATTER OF

**JNN 1ST APPLICANT
MTM 2ND APPLICANT**

RULING

1. The joint applicants filed Originating Summons dated 19th September 2019 seeking adoption of baby precious. The application was incomplete and the annexure were illegible and poorly done. On 2nd July 2019, Justices Meoli directed the applicants to file the appropriate chamber summons.
2. It was based on the above directions that the joint applicants filed the current chamber summons application dated 17th December 2020, seeking the following orders: -
 1. That this honourable court does appoint PWN as guardian ad litem for the above named child namely baby P aka baby PNN.
 2. That the Director, Children Services investigate the property of the applicant’s fitness to adopt the child.
 3. That the applicants are authorized to adopt baby P aka baby PNN the child.



4. The consent of the mother is dispensed with.
 5. A declaration do issue that the child is a Kenyan citizen.
 6. Upon adoption the child be known as Baby PNN.
 7. The Registrar General makes an entry to the same effect in the adopted children's register.
 8. That the cost of the application be in the cause.
3. The application is supported by the annexed affidavit in support of the application sworn by the joint applicants. They stated that they got married to each other in 1999 but have not been blessed with any issues to the marriage. They are currently aged 47 and 46 respectively.
 4. The child has been declared free for adoption through certificate serial no. 488 on 27th May 2015. Subsequently the child was placed under the care and custody of the applicants in the year 2014.
 5. At the hearing baby P who is 8 years old appeared happy and well integrated into the family. The 1st applicant stated that he has a second wife and is blessed with 3 children, but has no issues of the marriage with the 2nd applicant. The applicants' states they have lived with the baby for 8 years since 2014. The baby has integrated well with the 1st Applicants other children with the second wife.
 6. The applicants averred that they are business people with a joint monthly income of Kshs. 100,000/= . They run a welding workshop and hardware respectively.
 7. Record show that the child was found abandoned at Gatanga Area in Kiambu County. The approximate date of birth is 31st October 2013. From the report by KKPI adoption society, the applicants met the requirements to adopt the child.
 8. The report filed on 23rd May 2022 by department of Children Services recommend the applicant to adopt the minor. In the report, it was noted the child relates well with the other children and both wives of the 1st Applicant relate well and they live together in harmony.
 9. I do note the applicants meet the threshold to adopt the child, the report from children officer. Section 156(1) of the Children's Act 2001 provided: -

“No arrangement shall be commenced for the adoption of a child unless the child is at least six (6) weeks old and has been declared free for adoption by a Registered Adoption Society in accordance with the Rules prescribed in that behalf.”
 10. The child is presumed to have been born on 31st October 2013, currently she is 8 years old. She is above the age limit of 6 weeks old. The applicants are adults aged 47 and 46 years respectively. They are in compliance with Section 158 of the Children's Act 2001. They are financially stable in business and capable of taking care of the needs of the child. I therefore find that the applicants have met the requirements for adopting a child.
 11. Final Orders: -
 - 1) The applicants are allowed to adopt the child baby P.
 - 2) The child shall be known as PNN.
 - 3) The Registrar General is directed to make the relevant entry in the Adopted Children's Register.



4) PWN is appointed as the legal Guardian for the child.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 31ST DAY OF
MAY, 2022**

.....

RACHEL NGETICH

JUDGE

In the presence of:

Kinyua - Court Clerk

Ms. Kinuthia for the Applicant

