



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MURANG'A**  
**ADOPTION CAUSE NO 1"A" OF 2014**  
**IN THE MATTER OF BABY L M K**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER**

1. T K K

2. G W K.....JOINT APPLICANTS

**R U L I N G**

1. This is an application for an **adoption order** by **originating summons dated 12<sup>th</sup> September 2013**. I have read all the affidavits sworn in support of the summons and also the statements of the Applicants.
2. The Applicants as well as the Child have been assessed and evaluated by a registered adoption society in Kenya. I have read the **report** of the adoption society, ***Kenya's for Kenya's Peace Initiative***, dated **14<sup>th</sup> November 2013**. I have also read a **report dated 12<sup>th</sup> May 2016** by the ***Sub-County Children's Officer, Kangema***. Both reports are favourable to the adoption order sought.
3. Baby **L M K**, a male infant, was born on 15<sup>th</sup> July 2011ho. He was then abandoned at ***Kenyatta National Hospital*** where his mother had taken him for treatment while about 3 months old. The matter was reported to ***Kenyatta National Hospital Police Station*** from where the ***Nairobi District Children's Officer*** sought placement for him at ***Happy Life Children's Home***. No claim for him has been made by anyone to date.
4. By an order issued on 15<sup>th</sup> June 2012 by the ***Children's Court, Nairobi*** the infant was placed into care and protection. On 5<sup>th</sup> October 2012 the Child was placed into the care and custody of the Applicants. The Applicants have had him since then to date.
5. The Child has been declared to be free for adoption by **Certificate dated 29<sup>th</sup> August 2012** issued by ***Kenya's for Kenya's Peace Initiative***, a duly registered adoption society.
6. The Applicants, **T K K** and **G W K** are Kenyan citizens and are residents of ***Murang'a County***. They do not have any child of their own. They live together in their matrimonial home within the county. They have been married for twenty (20) years now.
7. The Applicants were born in 1974 and 1967 respectively. They therefore are now aged about 43 and

50 years respectively. They are both in gainful employment as businessman and farmer respectively.

8. The Applicants are at least 37 and 44 years older than the Child respectively. They both are of sound mind within the meaning of the ***Mental Health Act, Cap 242***.

9. Both Applicants have never been charged with or convicted of a sexual or moral offence by a competent court of law. They are not homosexual.

10. As already stated, the Child's mother abandoned him at hospital and has never reclaimed him. No one else has come forward to claim him. I hereby dispense with the consents required by **section 158 (4)** of the ***Children's Act, No 8 of 2001***. This dispensation is made under **section 159** of the Act.

11. I have considered all matters placed before the court, including the statements of the Applicants and the submissions of their learned counsel. Being guided by the principle that the welfare of the child is paramount, I am satisfied that the Applicants have the ability to maintain and educate the Child. I am satisfied that after the Child was found abandoned, all reasonable steps were taken, albeit unsuccessfully, to locate the parents or guardian or relative of the Child. I am also satisfied that no payment or other reward has been given to or by the Applicants as consideration for the adoption order sought.

12. In the circumstances I am satisfied that all requirements of the law for the adoption order sought have been met. I am also satisfied that the Applicants will provide a good and conducive home in which the Child will grow into responsible adulthood. In the event, I will grant the adoption order sought. It is so ordered.

13. The Child's name shall be **L M K**. His date of birth is **15<sup>th</sup> July 2011**. He was born in Kenya and is a Kenyan citizen..

14. I hereby direct that the ***Registrar-General*** do make the necessary entry in the ***Adopted Children Register***. This order shall be communicated to the ***Registrar-General*** in the prescribed form.

**DATED AND SIGNED AT MURANG'A THIS 29<sup>TH</sup> DAY OF JUNE 2017**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 30<sup>TH</sup> DAY OF JUNE 2017**