



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MURANG'A**

**ADOPTION CAUSE NO 1 OF 2012**

**IN THE MATTER OF BABY P K**

**AND**

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER**

**A K K .....APPLICANT**

**R U L I N G**

1. This application for an **adoption order** is by way of **originating summons dated 11<sup>th</sup> October 2012**. I have read the affidavit sworn in support of the summons and also the statement of the Applicant.
2. The Applicant as well as the Child have been assessed and evaluated by a registered adoption society in Kenya. I have read the **report dated 3<sup>rd</sup> September 2014** of the adoption society, **Child Welfare Society of Kenya**. I have also read a **report dated 10<sup>th</sup> October 2016** by the **Director of Children Services, Ruiru Sub-County**. Both reports are favourable to the adoption order sought.
3. Baby **P M**, a male infant, was born in the year 2008ho. He was abandoned by his biological mother at **Kenyatta National Hospital** while he was approximately 4 months old. The hospital reported the matter to **Kenyatta National Hospital Police Station**. He was then placed with **Hope House Babies Home** for care and protection. No claim for him has ever been made by anyone to date.
4. By an **order issued on 21<sup>st</sup> March 2011** by the **Children's Court, Nairobi** the infant was placed into care and protection. On 1<sup>st</sup> of April 2011 the Child was placed into the care and custody of the Applicant. The Applicant has had the Child since.
5. The child has been declared to be free for adoption by **Certificate dated 3<sup>rd</sup> September 2014** issued by **Child Welfare Society of Kenya**, a duly registered adoption society.
6. The Applicant, **A N K** is a Kenyan citizen and a resident of **Nairobi County**. She had three biological children who all passed away. She was abandoned by her husband after seven years of informal marriage; he now has another family. She never re-married.
7. The Applicant was born in 1981; she is now aged about 36 years. She is thus at least 28 years older than the Child. She is a business lady earning reasonable income. She is of sound mind within the meaning of the **Mental Health Act, Cap 242**, and has never been charged with or convicted of a sexual or moral offence by a competent court of law. She is not homosexual.
8. As already stated, the Child was abandoned. The Child's mother, though known, has never reclaimed

the Child. Letters from ***Kenyatta National Hospital*** and the ***Kenyatta National Hospital Police Station*** dated 21/11/2008 and 24/02/2011 respectively advise that efforts to trace the parents were futile. No one has ever come forward to claim the Child. In these circumstances 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.

9. I have examined all matters placed before the court, including the statements of the Applicant and submissions of her learned counsel. The Applicant is a sole female seeking to adopt a male child. I am alive to the provisions of section 158(2) of the Act. I consider that there are special circumstances here to justify the making of the adoption order sought.

10. Being guided by the principle that the welfare of the Child is paramount, I am satisfied that the Applicant has the ability to maintain and educate the Child. The Applicant will provide a good and conducive home in which the child will grow into responsible adulthood. I am also satisfied that no payment or other reward has been given to or by the Applicant as consideration for the adoption order sought.

11. I am therefore satisfied that all requirements of the law for the adoption order sought have been met. In the event, I will grant the adoption order sought.

12. The Child's name shall be **P M K**. His date of birth is **28<sup>th</sup> July 2008**. He was born in Kenya and is a Kenyan citizen.

13. I hereby direct that the ***Registrar-General*** do make the necessary entry in the ***Adopted Children's Register***. This order shall be communicated to the ***Registrar-General*** in the prescribed form. Those will be the orders of the court.

**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**