



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MURANGA
ADOPTION CAUSE NO. 4 OF 2015
IN THE MATTER OF *BABY E AND*
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER

1. E K N

2. C W G.....JOINT APPLICANTS

R U L I N G

1. This is an application for an **adoption order** by **originating summons dated 19th January 2015** which was amended on **25th November 2015**. 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, ***Kenyan's for Kenyan's Peace Initiative***, dated **17th March 2016**. I have also read a **report dated 12th February 2016** by the ***District Children's Officer, Kangema***. Both reports are favourable to the adoption order sought.
3. The Child, **Baby E**, a female infant, was born on 12th February 2010ho. She was found abandoned at ***Muthurwa Market*** in Nairobi by a good Samaritan one Rosemary Auma. She reported the matter to ***Kamukunji Police Station*** where the ***District Children's Officer*** sought placement for her at ***Happy Life Children Home***. No claim has been made for her to date.
4. By an **order issued on 2nd August 2010** by the ***Children's Court, Nairobi*** the Child was placed into care and protection. On 22nd October 2011 the Child was placed into the care and custody of the Joint Applicants. They have had the Child since then without interruption.
5. The Child has been declared to be free for adoption by **Certificate dated 29th June 2011** issued by ***Kenyan's for Kenyan's Peace Initiative***, a duly registered adoption society.
6. The Joint Applicants, **EKN** and **CWN**, are Kenyan citizens and are residents of Murang'a County. They have been married for seven (7) years now. The couple does not have any child of their own. The couple live together in their matrimonial home in Murang'a County.
7. The Joint Applicants were born in 1964 and 1967 respectively. They are therefore now aged about 52 and 49 years respectively. They are each at least 40 years older than the Child. They are both employed by the ***Teachers Service Commission***. They both are of sound mind within the meaning of the **Mental**

Health Act, Cap 242.

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

9. As already stated, the Child was abandoned. The Child's parents are not known. No one has come forward to claim her. Bearing in mind that the interests of the Child are paramount, I hereby dispense with the consents required by **section 158 (4)** of the *Children's Act, 2001*. This dispensation is made under **section 159** of the Act.

10. I have considered all matters placed before the court, including the statements of the Joint Applicants under oath upon examination by the court, and submissions of their learned counsel. Being guided by the principle that the welfare of the Child is paramount, I am satisfied that the Joint Applicants have the ability to properly maintain and educate the Child. I am also satisfied that no payment or other reward has been given to or by the Joint Applicants as consideration for the adoption order sought. I am also satisfied that after the Child was found abandoned, all reasonable steps were made, albeit unsuccessfully, to locate the parents or guardian or relatives of the Child. Nobody came forward to claim the Child.

11. I am therefore satisfied that all requirements of the law for the adoption order sought have been met. I am also satisfied that the Joint 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.

12. The Child's name shall be **EWK**. Her date of birth is **12th February 2010**. She was born in Kenya and is a Kenyan citizen.

13. I hereby direct that the *Registrar-General* do make an 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 AT MURANG'A THIS 15TH DAY OF JUNE 2017

H. P. G. WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 16TH DAY OF JUNE 2017