



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MACHAKOS
ADOPTION CAUSE 14 OF 2011
IN THE MATTER OF AN ON APPLICATION FOR ADOPTION OF BABY V. O

R U L I N G

Before me is an Originating Summons dated 30th September 2011 filed by the applicant JNM for the adoption of Baby VO.

The applicant is a female applicant who wants to adopt a male child. The child is an abandoned child as confirmed by Machakos Police Station. The child is now above 11 years of age, and nobody has come forward to claim him. The child has been declared free for adoption by the Kenya Children's Home Adoption Society and a certificate issued on 16th December 2011. The child was placed under the care of the applicant through the Machakos District Children's Office since April 2001.

On the 11th November 2011, a guardian *ad litem* was appointed. The Director of Children Services through the District Children Officer Machakos filed their report dated 8th February 2012. The report recommends the adoption.

Mrs Mutua, advocate for the applicant has urged that the adoption orders be granted.

This is an application for adoption by a single female applicant to adopt a male child. The applicant is a Kenya citizen, working as a nurse. She was born in 1965 and therefore is quite mature. She has two female daughters of her own, one aged 19 years currently attending Maseno University and the other aged 16 years and in secondary school. The child to be adopted has been under the care and control of the applicant since 2001. Bonding has been good.

I have considered the special conditions as required under section 158(2) (a) of the Children's Act. I am satisfied that there are special circumstances justifying the adoption, in that the adoption will make the child a male sibling of the applicant's two daughters. The applicant has also been able to bring up her own daughters, one up to adulthood, and the 2nd to almost adulthood well. The applicant has also had the custody and care of the child for a long duration. I am of the view that the adoption will give the abandoned child an opportunity to grow up in a family with a mother and two sisters, and be taken care of and guided by a parent and the two sisters. I will therefore grant the adoption, as I am of the view that it is in the best interests of the child.

Consequently, I allow the application and order as follows:-

1. That the consent of biological parents is hereby dispensed with.
2. The applicant be and is hereby authorized to adopt Baby VICTOR OWITI and the child be called BRIAN MWENDWA MUTINDA.
3. That the Registrar General do make the appropriate entries in the adopted Children's Register in respect of Baby BRIAN MWENDWA MUTINDA.

It is so ordered.

Dated and delivered this 27th day of June 2012.

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George Dulu
Judge

In the presence of:

Nyalo – Court clerk

Mrs Mutua for Applicant

Applicant present