



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Adoption Cause 5 of 2006**

**In the matter of adoption of Baby P – infant**

**JUDGMENT**

The applicants herein are married couple whose marriage was solemnized on 15<sup>th</sup> December 2001 under the African Christian marriage and Divorce Act (Cap 151). Their marriage is thus not polygamous.

Both applicants are Kenya citizens, are highly educated and well placed persons in our society. The 1<sup>st</sup> applicant is a Lawyer by profession and works with American Bar Association – Africa Law Initiative as a consultant. The 2<sup>nd</sup> applicant works with United Nations High Commission for Refugees. Their combined annual income is more than Kshs4,000,000/-. They profess Christian faith.

The infant baby P. was found abandoned at Pumwani Maternity Hospital, Nairobi after his birth on 5<sup>th</sup> May 2004. The matter was reported at Shauri Moyo Police Station on 19<sup>th</sup> October 2004 and the child was released to Hope House Babies Home and The Children Magistrate, Nairobi thereafter issued a committal order in favour of the said home on 27<sup>th</sup> October 2005. The child was in the meantime released in care of the applicants under a foster care agreement on 30<sup>th</sup> November 2004. Since that date, the child is under physical care of the applicants.

The couple had a daughter after the child was placed under their care. As per the report of the Director of Children Services, he loves his baby sister very much. The child is, in a Nursery School at Lebanon where the 1<sup>st</sup> applicant is currently posted.

The applicants had always desired to bring under their wings an abandoned child and give him/her a good livelihood, parental care and warmth of a family.

As per the letter dated 18<sup>th</sup> January 2006 from the Shuri Moyo Police Station, it is confirmed that no one has come forward to claim the child till that date.

The Adoption Society, Little Angels Network, has issued a certificate No. 00035 dated 9<sup>th</sup> March 2006 to declare the child free for adoption.

I have carefully confirmed the statement of facts averred and verified by the applicants in the originating summons as well as the reports from the Director of Children Service, Little Angels Network and guardian ad litem. I do therefore find that the grant of adoption order shall absolutely be in the best interest of the child and grant the order that the applicants MN and NK be allowed to adopt baby P. henceforth to be known as MKN whose date of birth shall be recorded as 5<sup>th</sup> May, 2004.

The registrar of Adoption be directed to record the above order.

I also discharge guardian ad litem.

Dated and signed at Nairobi this 26<sup>th</sup> day of September 2008.

**K.H.RAWAL**

**JUDGE**

**26.9.08**