

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
H.C. ADOPTION CAUSE NO. 34 OF 2002**

IN THE MATTER OF : THE CHILDREN ACT NO. 8 2001

PART XII – ADOPTION

IN THE MATTER OF: (1) JM)(2) RW)...... INFANTS

R U L I N G

The applicant is the single mother of two children and has applied to adopt the two infants namely, JM and RW who are her nephew and niece.

The application is made under the provisions of Children Act. As she is the sole applicant, this court has to satisfy itself that there are special circumstances to justify the applicant to adopt JM who is a male infant. He is a nephew to the applicant being a son of the applicant's sister who is also a single mother. He is studying at Rift valley Academy and is fully supported financially as well as emotionally by the applicant. As he is running 14 years I interviewed James and I found him a very intelligent and focused young man. He is aware of the Applicant's support and has wholeheartedly agreed to be adopted by her.

The reports and affidavit on record of the matter show that the natural mother of the two infants runs a business of used clothes and does not earn sufficient income to place these two infants in a future well deserved by them. The applicant has been employed by UNHCR for about 13 years and the organisation shall cater for the future educational needs of the infants. The applicant also was interviewed by the court and I found that she genuinely cares for the infants and is interested to cater for a bright future of the infants. The growing needs of the children would only be met by her if she is allowed to adopt them and become their legal mother.

I have considered the facts of the matter and due to constraint of time because of vacation duty and urgency of the matter, I am not placing all of the facts on record and submissions made in this ruling. I shall, however, state that I have considered them properly and also have considered relevant provisions of the Act.

From the above, I have come to the conclusion that this application is a proper application to be granted. I therefore order that the applicant PNM is permitted to adopt the infants JM and RW whose birth dates are 20th December, 1988 and 18th September, 1992 respectively.

Dated and delivered at Nairobi this 16th day of August,2002.

K. H. RAWAL

JUDGE.