



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NANYUKI
ADOPTION CAUSE NO 8 OF 2018
(IN THE MATTER OF HS (A CHILD)
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION)

MWM.....APPLICANT

J U D G M E N T

1. This is an application for an adoption order under the Children's Act. I have read the Applicant's statement in support of the application and the supporting affidavit, both filed with the originating summons dated 4th April, 2018. I have also perused all the documents annexed to the supporting affidavit.

2. Finally, I have also read the three reports filed as follows -

(a) *Dated 14th and filed on 17th December, 2018 by the Children Department, Laikipia County.*

(b) *Dated 10th December, 2018 and filed on 20th February, 2019 by the Guardian ad litem appointed by the court for the Child.*

(c) *Dated 2nd May, 2018 and filed on 4th March, 2019 by the adoption society, Buckner Kenya Adoption Services.*

All the three reports are favourable to the adoption order sought.

3. The Applicant, **MWM**, is a Kenyan citizen now aged about 56 years. She is a divorced mother of two biological children who are now adults. Those children, **TWM** (born on 16th November, 1989) and **IJ** (born on 14th November, 1999), have given their consent for the proposed adoption of the Child, **Baby HS** (to be called **HWM**).

4. The Applicant's main motivation for the adoption order sought is to give back to society, she herself and her elder sister having been adopted by their step-father and given the best education and life they could have wished for.

5. The Child, Baby HS, was born on 5th June, 2016 at **Kenyatta National Hospital, Nairobi** and immediately abandoned by his mother. He was subsequently admitted to the new-born unit of the hospital on the same day. A telephone number allegedly of the father of the Child had been provided by the mother during the birthing process. Repeated efforts to contact the alleged father by that telephone number never bore any fruit.

6. A report of the abandonment of the Child was made at the **Kenyatta National Hospital Police Station** vide **Occurrence Book Number 25/7/09/16**.

7. On 25th November, 2016 the Child was discharged from the hospital into the care and custody of **Imani Children's Home, Nairobi**. On 29th March, 2017 the Child was formally committed to the care of that home by an order of court vide **Nairobi Children's Court Care & Protection Case No 92 of 2017**.

8. On 12th July, 2017 the **Kenyatta National Hospital Police Station** confirmed that the search for the Child's parents or kith and kin had been fruitless, and that nobody had ever claimed the Child. Nobody ever claimed the Child while he was at Imani Children's Home.

9. On 15th November, 2017 **Bucker Kenya Adoption Services**, an adoption society, declared the Child as available for adoption vide **Certificate Serial Number ****** of the same date.

10. On 19th November, 2017 the Child was placed with the Applicant, and has been under her care, control, custody and protection since then.

11. Having considered all the material placed before the court, I am satisfied that the adoption order sought will be in consonance with the welfare of the Child. Though the Child is male, and the Applicant a single female, she has had her own two biological children whom she has raised successfully to adulthood. The two biological children have given their written consents for the adoption order sought.

12. In effect the Child has come into a home that already has two older siblings with whom he appears to have bonded well. This constitutes a special circumstance in terms of the law. There are no other legal impediments to the adoption order sought.

13. This court is particularly impressed by the Applicant's motivation for the adoption - to give back to society, she herself and her elder sister having been adopted by their step-father and given a very good education and life. The common motivation for adoption is childlessness. This is not the case with the Applicant who has already successfully raised to adulthood two biological children of her own.

14. In the result, I will grant the adoption order sought by the Applicant. I will also grant prayers 2, 3, 4, 5 and 6 of the originating summons. It is so ordered.

DATED, SIGNED AND DELIVERED AT NANYUKI THIS 16TH DAY OF MAY 2019

H P G WAWERU

JUDGE