



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI

ADOPTION CAUSE NO. 1 OF 2014

IN THE MATTER OF BABY P K M.....INFANT

AND

P M K

A W M.....APPLICANTS

RULING

1. The application is brought by way of an Amended Originating Summons and is dated the 20th day of January 2015. The applicants seek the following Orders;

(a) That **K S M** be appointed as guardian ad litem herein;

(b) That the applicants **P M K and A W M** be authorized to adopt baby PKM;

(c) That the Honourable Court dispense with the mothers' consent as the child was found abandoned.

2. The baby PKM was found abandoned on the 5th September, 2010 in Amathi II Sub-location and was rescued by a Good Samaritan and taken to Maua Police Station and an entry number OB.NO [Particulars Withheld] was made in the Occurrence Book.

3. On the 27th January, 2011 the Childrens' Court at Maua the baby PKM was committed to the institution under Care and Protection Order Number **[particulars withheld]** and he was declared free for adoption under Section 156 (1) of the Children's Act and a freeing Certificate Serial Number [particulars withheld] was issued by the Little Angels Network.

4. The Guardian Ad Litem **K S M** was appointed on the 15th May 2013 and the County Director of Children's Services after a home visit and upon interrogating the applicants filed a favourable report in court on the 26th October 2015 on the applicants' suitability to adopt baby **PKM**.

5. After reading and taking into consideration the contents of this report and satisfying myself that all the legal requirements had been adhered to that is; the applicants were married under Kikuyu Customary Law in 1984 and thereafter the marriage was solemnized in Church on the 9/03/2011 and a marriage certificate no. [particulars withheld] issued; their ages are 51 and 46 years respectively and therefore within the prescribed parameters; their Certificates of Good Conduct are current and valid; and that their Bank Statements establishes their financial standing and suitability.

6. Also after observing the applicants relationship with the child at the hearing hereof I noted that there is an emotional bonding with the applicants. The child appears to be healthy and well taken care of.

7. For the reasons stated above this court is satisfied that the applicants are suitable persons to adopt baby **PKM**; and that they have the resources to provide and care for him.

DETERMINATION

8. The application for the adoption of baby **PKM** is hereby allowed; the applicants are hereby allowed to adopt baby **PKM**; he shall be known as **PKM**.

9. The Registrar General is hereby directed to enter this adoption order in the Adoption Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name **PKM**.

10. The Guardian ad Litem is hereby discharged and is hereby appointed as Legal Guardian until baby **PKM** attains the age of majority of eighteen (18) years.

Orders Accordingly.

Dated, Signed and Delivered at Nyeri this 7th day of April, 2016.

A.MSHILA

JUDGE