

IN THE HIGH COURT OF KENYA AT MURANG'A

ADOPTION CAUSE NO 2 OF 2014

IN THE MATTER OF THE CHILDREN'S ACT

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION IN RESPECT TO CHILD EAO (aka EW)

RMN.....APPLICANT

R U L I N G

1. The Applicant **RMN** was born in 1951. She is therefore about 64 years old, just below the ceiling of 65 years for adoptions. See **section 158(2) (c) of the Children's Act, Cap 141**. She has applied by **originating summons dated 6th August 2014** to be permitted to adopt **Child EAO** (alias **EWM**).
2. On 12th February 2015 **PKN** was appointed **guardian ad litem** to the child. There is a **report dated 6th August 2014** by the **guardian ad litem** which is favourable to the adoption sought.
3. There are two other reports. One is from the adoption society in this matter, **Kenya Children's Home** and is **dated 26th March 2014**. It is favourable to the adoption sought. The second **report dated 2nd February 2015** is from the **Children's Department, Murang'a West** under the **Ministry of Labour, Social Security and Services**. It is also favourable.
4. The child was born on 6th August 2002 at **Pumwani Maternity Hospital**, Nairobi to one **EAO** whose name she was given. Both mother and child were admitted at **Kenyatta National Hospital** on 10th August 2002. On the same day the mother abandoned the child at the hospital, never to be seen or heard of again. On 1st November 2002 the child was admitted to the **Abandoned Baby Centre**, Nairobi for care. The abandonment was reported to the Provincial Children's Office, Nairobi on or about 8th November 2002. On 27th February 2003 the child was formally committed to care and protection by court order vide **Nairobi Protection and Care case No 22 of 2003**.
5. On 15th December 2003 the child was released into the custody and care of the Applicant with a view to eventual adoption. The Applicant has had the child continuously and without interruption since then. The child is now going on to 13 years and is in primary school standard 8.
6. The Applicant was once married but was long abandoned by her husband, probably because she did not bear any children of her own. The husband married another wife. The Applicant returned to her parent's home many years ago where she was given land upon which she farms for her sustenance. She does not have any disease or habit that would render her unsuitable as an adoptive parent. Both the Children's Department and the adoption society have highly approved the way the Applicant has brought up and taken care of the child for the last 12 years. She has the means and the wherewithal to continue taking care of the child to adulthood and beyond.
7. In all these circumstances, I am satisfied that the adoption sought will be in the best interest of the child, and I will grant it. The Applicant **RMN** is hereby authorized to adopt the child **EAO** (now called **EW**). For that purpose I hereby dispense with the mother's consent as she has never been seen or heard of since she abandoned the child over thirteen years ago, and cannot be found. The Registrar-General is hereby directed to make the necessary entry in the prescribed form in the **Adoption Children Register**. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 5TH DAY OF MARCH 2015

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 6th DAY OF MARCH 2015