



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MURANG'A
ADOPTION CAUSE NO 2B OF 2014 (O. S.)

(IN THE MATTER OF BABY PS (TO BE CALLED JKW)

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER)

1. **DWK**
2. **TNN..... APPLICANTS**

RULING

1. **Baby PS** was found abandoned at *[Particular Withheld] Estate, Nakuru* on or about 24th July 2013 by a Good Samaritan who rescued him and took him to *Nakuru Police Station* where the matter was reported vide Occurrence Book Number 36/24/13. He then appeared about 5 days old and was therefore presumed born on or about 19th July 2013.

2. Baby P was then committed for care and protection to *African Gospel Church Baby Centre* vide an order issued on 24th July 2013 in *Nakuru Children's Court Care of Protection Case No 345 of 2013* for a period of 3 years. Nakuru Police Station subsequently certified on 16th May 2014 that efforts to trace the Baby P's relatives bore no fruit, and that nobody went to the police to claim the child.

3. On 18th June 2014 Baby P was freed for adoption by the *Kenya Children's Homes Adoption Society* and the necessary freeing certificate issued pursuant to **section 156(1)** of the *Children's Act, 2001*. On 4th July 2014 Baby P was placed in the care and custody of **DWK** and **TNN** (the Applicants herein), and they have had him since.

4. The Applicants are husband and wife. They married each other in 2004. They have applied herein to be permitted to adopt Baby P as their own son. On 16th April 2015 the court appointed **JMK** and **AN** as *guardians ad litem* of the Baby for purposes of these adoption proceedings.

5. The Applicants are respectively 45 and 36 years old. They are Christians and members of the *Catholic Church [Particular Withheld]*. They have not indicated if they have their own children, but the various reports filed herein (to which I shall revert shortly) indicate that they do not have children. Those reports are:

- One dated 03/03/2015 by **Kenya Children's Home Adoption Society**.
- One dated 29/04/2015 by the **Director, Children's Services**.
- One dated 27/05/2015 by the **Guardians ad litem**.

6. I have read these three reports. They disclose that the Applicants are respectively a secondary school teacher, and a successful business lady at **[Particular Withheld]** town in Murang'a County, where they live. Their combined income is more than enough to enable them to properly raise and educate Baby Philip. All three reports are favourable to the adoption order sought.

7. I have considered the Applicants' antecedents and present circumstances as disclosed in their own joint affidavit sworn in support of the originating summons for the adoption order sought, and also by the three reports already mentioned. I have also considered the relevant provisions of the **Children's Act** that deal with matters of adoption. I find no legal or moral impediment to the adoption order sought. On the contrary, I find that such order will be entirely in the best interest of Baby Philip who will now have legal parents and a home, despite his unfortunate abandonment soon after his birth. I am also satisfied that the Applicants fully understand the legal ramifications of the adoption order sought and its irreversible nature.

8. I will therefore allow the originating summons dated 21st November 2014. The Applicants, **DWK** and **TNN** are hereby permitted to adopt **Baby P** (now to be called **JKW**). An **Adoption Order** shall issue accordingly, and the same shall be duly entered in the prescribed form in the **Adopted Children Register** kept by the **Registrar-General**. It is so directed.

DATED, SIGNED AT MURANG'A THIS 9TH DAY OF JULY 2015

H P G WAWERU

JUDGE

DELIVERED AT MURANG'A THIS 10TH DAY OF JULY 2015