



REPUBLIC OF KENYA



KENYA LAW
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**In re AW (Child) (Adoption Cause E011 of 2023)
[2023] KEHC 21617 (KLR) (18 August 2023) (Judgment)**

Neutral citation: [2023] KEHC 21617 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E011 OF 2023
A MSHILA, J
AUGUST 18, 2023
IN THE MATTER OF THE CHILDREN'S ACT
AND
IN THE MATTER OF AN APPLICATION FOR
ADOPTION ORDER OF BABY AW (A CHILD)**

IN THE MATTER OF

FLK APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated February 15, 2023 and is premised under the provisions of Sections 4 and 154 and all other enabling provisions of the *Children's Act*. The Applicant seeks the following Orders;
 - a. That EWM be appointed as guardian *ad litem* of baby AW ;
 - b. That the Applicant FLK be authorized to legally adopt baby AW who will be known as FWK ;
 - c. That baby AW be presumed to be a Kenyan citizen;
 - d. That GWG be appointed as next of kin and legal guardian to baby AW ;
 - e. The Registrar General do make the appropriate entry of FWK in the Adopted Children's Register.
2. The application was supported by a Statement and Affidavit made by the Applicant; The Guardian *Ad Litem* EWM was appointed on April 26, 2023; This court directed the Director of Children's Services and the Guardian *Ad Litem* to carry out a home visit and do investigations and to file their Reports.



3. After visiting and interrogating the Applicant the Nairobi County Children's Office and the Guardian *Ad Litem* filed their respective Reports on the Applicants' suitability to adopt baby AW ; the reports were duly filed in court and are dated June 9, 2023 and May 15, 2023 respectively; both reports are highly favourable to the Applicant and recommend her suitability as an adoptive parent.
4. The baby AW who is female was born on August 3, 2019 and was offered for adoption by her mother Alice Wambui Wairimu who gave her formal consent by way of Affidavit dated September 13, 2019. The baby AW was admitted to Child Welfare Society whilst awaiting committal; under the Protection and Care Case No 0xx/2021 the Children's Court sitting at Kiambu baby AW was formally committed vide Order issued on June 3, 2021 to the aforesaid institution for protection and care until her fostering; On the xx/06/2021 she was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number 10xx was issued by the Society.
5. After reading and taking into consideration the contents of these Reports the court is satisfied that all the legal requirements have been adhered to notably; the Applicant is a Kenyan citizen; at the time of filing this application the prospective adoptive parent FLK a single lady was aged 59 years and therefore her age falls within the prescribed legal parameters; The Applicant has no biological children of her own; She currently carries on business and tendered into court copies of Title documents and Bank Statements to prove her financial capability to support baby AW when she assumes responsibility of her upbringing.
6. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the family of the Applicant or any individual characteristics or lifestyle that would be detrimental to the baby;
7. It is noted that the consent of the proposed Legal Guardian has been duly filed.
8. For the reasons stated above this court is satisfied that the Applicant has fulfilled all the pre-requisites for adoption orders and is found to be a suitable person to adopt baby AW and it is further satisfied that the order for adoption will be in the best interest of the baby.

Findings & Determination

9. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
10. The Applicant is hereby authorized to adopt baby AW ; she shall be known as FWK .
11. That baby FWK be presumed to be a Kenyan citizen;
12. The Registrar General is hereby directed to enter this adoption order of FWK in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name FWK .
13. The Guardian *Ad Litem* EWM is hereby discharged and GWG be appointed as next of kin and legal guardian to baby FWK until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 18TH DAY OF AUGUST, 2023.

HON.A. MSHILA

JUDGE



In the presence of;

Mourice – Court Assistant

Applicant – present in person

