



**In re MZ (Child) (Adoption Cause E079 of 2021)
[2022] KEHC 10874 (KLR) (Family) (23 June 2022) (Judgment)**

Neutral citation: [2022] KEHC 10874 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E079 OF 2021

AO MUCHELULE, J

JUNE 23, 2022

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF CHILD MZ

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

DKW.....1ST APPLICANT

AWN.....2ND APPLICANT

JUDGMENT

1. The applicants DKW and AWN are a Kenyan couple aged 49 and 48 years, respectively. The first applicant is a businessman and the second applicant is a sales and marketing officer. They got married on the 2nd December 2000 and have adopted one child who is aged 14 years. Through Originating Summons dated 5th July 2021, the applicants sought to adopt Baby MZ alias Abandoned Child.
2. Baby MZ is presumed to have been born on 24th July 2019 at Karatina town. He was found on 27th July 2019 having been abandoned in Karatina Township. The matter was reported at Karatina Police Station on 7th August 2019 and recorded as O.B. No. xxxx. The child was temporarily placed at Neema House Infant Rescue Centre by the Sub-County Children's Office Mathira East. He was formally committed to the Home by the Karatina Children Court in Protection and Care Case No. xxxx on the 8th August 2019. The Police made efforts to trace the mother or relatives of the child, but they were not successful. On 28th October 2020 the child was declared free for adoption and Certificate No. 1581 issued by the Kenya Children's Home Adoption Society. The applicants were placed with the child since 8th November 2020 and have been his foster parents.
3. On 4th November 2021 the court appointed John Mumosi Amonje as the guardian ad litem and ordered him and the Director of Children Services to separately carry out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports dated 15th December 2021



and 8th April 2022 respectively were filed. A declaration report dated 17th May 2021 was also filed by the Kenya Children Homes. All reports recommended the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with them.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted and shall treat him as if he was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the parents of the child is hereby dispensed with as he was found abandoned.
5. Having been satisfied that all the legal requirements for a local adoption under the Children Act have been met, the following orders shall issue:-
 - a. the applicants DKW and AWN are hereby allowed to adopt Baby MZ;
 - b. Baby MZ shall henceforth be known as AWK;
 - c. the child's date of birth shall be 24th July 2019, and shall be presumed Kenyan citizen having been found abandoned in Karatina Town in Nyeri County in Kenya;
 - d. MKW is hereby appointed as the child's legal guardian in the event of the death or incapacity of the applicants before he is of full age and fully self-reliant;
 - e. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
 - f. the guardian ad litem is hereby discharged.

DATED AND DELIVERED AT NAIROBI THIS 23RD DAY OF JUNE 2022.

A.O. MUCHELULE

JUDGE

