



**In re AW (Baby) (Adoption Cause E148 of 2021)
[2022] KEHC 13733 (KLR) (Family) (29 July 2022) (Judgment)**

Neutral citation: [2022] KEHC 13733 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E148 OF 2021
M THANDE, J
JULY 29, 2022
IN THE MATTER OF THE CHILDREN ACT (NO 8 OF 2001)
AND
IN THE MATTER OF BABY AW
AND
AN APPLICATION FOR ORDERS OF ADOPTION OF BABY AW BY FNK & EMK**

JUDGMENT

1. The applicants FNK and her husband EMK are a married couple. Their marriage was blessed with 2 children TDW born on September 12, 1996 and PK born on July 7, 1998. Sadly, T died on December 17, 2018 following a road accident. The applicants now seek to adopt a female child known as baby AW and have moved this court by their originating summons dated November 1, 2021. Towards this end, the applicants were assessed by KKPI Adoption Society, a registered adoption society and taken through the adoption process and its implications. The society's case committee found that the applicants fit to adopt a child.
2. The reports on record indicate that the child was born on October 22, 2016 and was abandoned at Njiru area on October 25, 2016 by a Good Samaritan MWK of ID No XXXX and telephone number 0720XXXX. The matter was reported at Kayole Police Station vide Occurrence Book Number XXXX/2016, and the child taken Kiambu District Hospital for medical attention. On November 18, 2016, the child was admitted at the Mogra Rescue Centre pending committal. Thereafter on January 31, 2017, the child was formally committed to the same home for a period of 6 months by Kiambu Children's Court vide Protection and Care Case Number X of 2017.
3. In compliance with section 156 of the *Children Act*, KKPI Adoption Society vide its certificate serial number 800, declared the child free for adoption on July 15, 2021. Thereafter the child was identified for the applicants and placed with them. By an order of this court of March 31, 2022, MMN was



appointed as the guardian ad litem for the child pending the hearing and determination of the adoption application.

4. The applicants have gone through the requisite assessments, and reports in respect thereof have been filed. KKPI Adoption Society which arranged the adoption of the child filed its report dated January 26, 2022. For the Director of Children Services was filed a report dated 25.4.22 by Carolyne Olilo, Senior Children Officer and countersigned by Hoyd Isadia, the Deputy Director. MMN the guardian *ad litem*, also filed his report dated May 4, 2022. I have carefully assessed the said reports. They are all favourable, and recommend the proposed adoption.
5. It is noted that the child has been in continuous care and control of the applicants for a period of about 1 year and 1 month, which is more than the statutory 3 months' period required under section 157 of the *Act*. The applicants are not below the age of 25 years, nor are they older than 65 years. Both are more than 21 years older than the child. Section 158 of the *Act* has thus been complied with. The applicants confirmed that they have been made aware of the consequences of an adoption order as well as the rights of an adopted child. They shall assume all parental rights and duties of the biological parents in respect of the child. I am satisfied that the applicants fully understand that the adoption order is final and binding during the lifetime of the child, and that the child shall have the right to inherit their property, alongside with their biological son. The applicants cannot under any circumstances give up the child. From the aforesaid reports the court is further satisfied that the applicants have the financial resources, social and emotional capability to bring up the child.
6. Having taken into account the foregoing factors, this court has formed the opinion that it would be in the best interests of the child that she be adopted by the applicants. The court is further satisfied that all the legal requirements for a local adoption have been met and makes the following orders:
 - a. The applicants, FNK holder of national identity card number XXXX and her husband EMK holder of national identity card number XXXX are hereby allowed to adopt Baby AW who shall henceforth be known as IW.
 - b. The child is hereby declared to be a Kenyan citizen by birth.
 - c. I direct the Registrar General to enter this order in the Adoption Register.
 - d. The appointment of MMN, the guardian *ad litem* now stands expired.

DATED, SIGNED AND DELIVERED IN NAIROBI THIS 29TH DAY OF JULY, 2022

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M THANDE

JUDGE

In the presence of: -

.....**for the applicants.**

.....**court assistant.**

