



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 27 OF 2020 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF CHILD S.

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

JWO.....1ST APPLICANT

TWM.....2ND APPLICANT

JUDGMENT

1. The applicants JWO and TWM are a Kenyan couple aged 46 and 41, respectively. The 1st applicant is an accountant at [Particulars withheld] while the 2nd applicant is a tour consultant. The parties solemnized their civil marriage on 11th February 2006. They have no child. They filed the originating summons dated 4th March 2020 seeking to jointly adopt child S.

2. Child S was estimated to have been born on 18th January 2013. The child was during the night of 20th January 2013 abandoned by the mother at Mathare area by being left in the hands of JAA. JAA took the child to Ruaraka Police Station under OB number [...]. The child was temporarily placed at Missionaries of Charity Children's Home Huruma. The child was committed to the same Home on 29th April 2013 under Protection and Care Case Number [...] by the Senior Resident Magistrate Children Court in Nairobi. According to the police the mother and relatives of the child were not traced despite efforts. The child was declared free for adoption by Little Angels Network on 4th September 2013 under certificate number [...] and placed with the applicants for bonding.

3. The court on 16th July 2020 appointed CWK as the guardian *ad litem* and ordered her to investigate the suitability of the applicants to adopt the child and to file a report within 45 days. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicants 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 and the applicants had bonded well.

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 ability 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 her as if she 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 properties. 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 has been dispensed with as the child 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 JWO and TWM are hereby allowed to adopt child S.;

b) child S shall henceforth be known as RJAO;

c) the child's date of birth shall be 18th January 2013 and shall be presumed to be Kenyan by birth having been born at Mathare in Nairobi in Kenya;

d) TNK is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicants before she 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 11th day of FEBRUARY 2021

A.O. MUCHELULE

JUDGE