



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. E003 OF 2020 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY E.(THE CHILD)

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

LNK.....1ST APPLICANT

MNW.....2ND APPLICANT

JUDGMENT

1. The applicants LNM and MNW are a Kenyan couple aged 44 and 45, respectively. The 1st applicant is a [particulars withheld] and the 2nd applicant is an accountant at [particulars withheld]. They solemnized their marriage on the 9th December 2006 at [Particulars withheld] Catholic Church in Kiambu. They have no child of their own. They filed this originating summons dated 7th June 2020 seeking to adopt baby E.

2. Baby E is presumed to have been born on 17th December 2016. He was found abandoned in Kangari Town near the Catholic Church by one FIM who reported the matter at Kigumo Police Station vide OB Nos. [...] and]. The child was temporarily placed at Child Welfare Society of Kenya in Muranga for care and protection. On 17th March 2017 the child was formally committed to the same Home by Muranga Children's Court vide **Care and Protection Cause No.]**. On the 2nd February 2018 the child was declared free for adoption vide certificate No. [...] by Child Welfare Society of Kenya. This was after police efforts to trace the mother or relatives of the child were not successful. On 19th February 2018 the child was placed with the applicants for foster care. He has been with them since.

3. On 1st October 2020 the court appointed HMW as the guardian *ad litem* and ordered her and the Director of Children Services to separately carry out a social inquiry to determine the suitability of the applicants to adopt the child and to report within 45 days. The two reports were filed. Both 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 the applicants.

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. This court dispenses with the consent of the child's biological parents 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 LNK and MNW are hereby allowed to adopt Child E;

b) Child E shall henceforth be known as MWN;

c) the child's date of birth shall be 17th December 2016, and shall be presumed Kenyan citizen having been found abandoned at Kangari Town in Muranga County in Kenya;

d) WN 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 ELECTRONICALLY NAIROBI THIS 25TH MARCH 2021.

A.O. MUCHELULE

JUDGE