



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 126 OF 2016 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY P alias PNW (CHILD)

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

CWN.....APPLICANT

JUDGMENT

1. The applicant CWN is a single Kenyan woman aged 56. She does business. On 16th January 1984 she got a child who unfortunately died from meningitis. On 7th October 2016 she filed this originating summons dated 8th September 2016 seeking to adopt Child P alias PNW.

2. Child P alias PNW is presumed to have been born on 17th February 2013. She was found abandoned at Mukuru slums by members of the public who reported the matter at Mukuru Police Station vide OB No. xx/xx/x/2013. The child was temporarily placed at Imani Children's Home and on 19th April 2013 was formally committed to the same Home by a Nairobi Senior Resident Magistrate Children's Court vide Protection and Care Cause No. 91 of 2013. On the 26th April 2014 the child was declared free for adoption vide certificate No. 389 issued by KKPI Adoption Society. This was after police efforts to trace the mother or relatives of the child were not successful. On 3rd September 2014 the child was placed with the applicant for foster care. She has been with her since.

3. On 1st December 2016 the court appointed TWK as the guardian *ad litem* and ordered her and the Director of Children Services to separately carry out a social inquiry on the applicant to determine her suitability to adopt the child. The two reports were filed. Both recommended the applicant to be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with the applicant and the other members of the family.

4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her capability to provide a conducive home and family environment in which the child will grow and develop. She 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 her. She has 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 her property. The applicant 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 she 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 applicant CWN is hereby allowed to adopt Child P alias PNW.;

b) Child P alias PNW shall henceforth be known as PN;

c) the child's date of birth shall be 17th February 2013 and shall be presumed Kenyan citizen having been found abandoned at Mukuru slums in Nairobi in Kenya;

d) MMK is hereby appointed as the child's legal guardian in the event of the death or incapacity of the applicant 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 electronically NAIROBI this 25TH MARCH 2021.

A.O. MUCHELULE

JUDGE