



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 29 OF 2020 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001
AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION IN RESPECT OF EP alias BABY EP alias BABY GIRL

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY GSA....APPLICANT

JUDGMENT

1. The applicant is a Kenyan woman, aged 46, and a human resource professional with the [Particulars Withheld] Programme. She was married to one ABL with whom they had one child born in 2013. They later divorced. The applicant filed this Originating Summons dated 5th March 2020 seeking to be allowed to adopt Child EP.
2. Child EP was presumed to have been born on 27th July 2018. She was on the same day found abandoned at [Particulars Withheld] Ruiru. The good Samaritan who found her reported the incident at Ruiru Police Station under O.B. No. [...]. The child was temporarily placed at New Life Home Trust. On 20th March 2019, the child was committed to the same Home by the Nairobi Children's Court under **Protection and Care No. [...]**. Efforts to trace the mother or relatives of the child bore no fruits. The child was on 26th July 2019 declared free for adoption by Change Trust Adoption Society under Certificate No. [...].
3. On 18th June 2020 the court appointed RM as the guardian *ad litem* and ordered her and the Director of Children Services to prepare and file the requisite reports within 45 days after carrying 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 and the applicant had bonded well.
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 borne 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 GSA is hereby allowed to adopt Child EP.;
 - b. Child EP shall henceforth be known as JWA;
 - c. the child's date of birth shall be 27th July 2018, shall be presumed to be a Kenyan by birth having been found abandoned at Ruiru in Kenya;
 - d. MM and MMK are hereby appointed as the child's legal guardians 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 AT NAIROBI THIS 18TH DAY OF MARCH 2021

A.O. MUCHELULE

JUDGE