



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERUGOYA
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY A.W
ADOPTION CAUSE NO. E006 OF 2021

C.K.....APPLICANT

RULING

1. This is an application seeking for orders of adoption under Part XII of the Children's Act brought by the applicant CK by way of originating summons dated 21st April 2021.
2. The applicant describes herself as currently working as a Senior Enrolled Nurse and also residing at Kerugoya in Kirinyaga County, a Kenyan citizen. She states that baby AW was placed in her custody on 23rd July 2008 by Children Welfare Society of Kenya situated in Nairobi under foster care replacement. Since then, the applicant states that she has been supporting the baby. The infant was born on 23/05/2008 and is of Christian religion like the applicant.
3. The applicant identified one BM to be appointed as the guardian *ad litem* of the child who is now aged 13 years. He was appointed as such on 1st July 2021 as the court directed that the relevant reports be filed.
4. The Director of Children's services and the Child Welfare Society of Kenya filed in court the requisite reports dated 9th July 2021 and 14th July 2021 respectively. The reports recommended the applicant to be considered in her application for adoption of Baby AW. The guardian *ad litem* filed his consent and report both dated 21st April 2021. He described himself as the brother of the applicant and confirmed that the applicant is possessed of sufficient resources to accommodate and maintain the child appropriately.
5. I have considered this application, the information provided by the applicant and the reports filed herein. I am of the considered view that it is in the best interests of the child to be adopted by the applicant who is in my view capable of providing a conducive family environment and a home suitable for the health growth and social development of the child. The applicant shall treat the child as if it is her biological child and meet all the parental obligations of a biological parent. The applicant is aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. Upon adoption the child acquires the right of property inheritance from the applicant. The applicant is also aware that she will not be able to give up the child owing any subsequent unforeseen behavior or other changes in the child.
6. Considering that the child was abandoned and that her biological parents are not known, this court dispenses with the requirement of consent of such parent or parents.
7. I am satisfied that all the legal requirements for a local adoption under the Children's Act have been met. I therefore allow the prayers sought in the Originating summons as follows:-
 - a) That the applicant CK is hereby allowed to adopt baby AW.
 - b) That Baby AW shall henceforth be known as AW.
 - c) That the applicant is hereby declared the guardian of Baby AW.
 - d) That the Registrar General makes the appropriate entry in the Adopted Children's Register.

8. It is hereby so ordered.

DELIVERED, DATED AND SIGNED AT KERUGOYA THIS 27TH DAY OF JULY, 2021.

F. MUCHEMI

JUDGE

Ruling delivered through video link this 27th day of July, 2021.