



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYERI**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY AW**

**ADOPTION CAUSE NO. 14 OF 2018**

**CNK.....APPLICANT**

**JUDGEMENT**

1. The applicant CNK filed this cause by way of Originating Summons dated 27/11/2018 seeking for orders that she be granted orders to adopt Baby SMW alias SM and that the court do dispense with the parent's consent already given at birth among other prayers.
2. The applicant in her statement and in the supporting affidavit states that she applied to New Life Home Trust, Nyeri to be given child CNK as a foster parent pending obtaining of adoption orders. The applicant states that she is of good conduct and annexed the relevant certificate and as well her financial ability to support the child was supported by an mpesa statement. The original certificate declaring the child ready for adoption was issued and introduced in court by the Adoption Society New Life Home Trust.
3. It is noted that though not officially appointed as guardian *ad litem* the proposed guardian EWM continued attending court and playing the required role during the pendency of this case. This was occasioned by the fact that the case has been handled by three courts and due to oversight by the counsel for the applicant to follow through the required process. The proposed guardian *ad litem*'s consent was filed on 07/06/2019 together with all the other necessary documents.
4. The records show that Baby SMW a female was born on 15/07/2016 and later abandoned at a tender age. It was placed under the care of the applicant on 9/06/2017 by New Life Home Trust. From that time, the child has bonded well with the applicant and enjoyed parental care.
5. Upon consideration of this application and the information provided by the applicant, the Adoption Society and the Director of children, I am of the considered view that it is in the best interests of the child to be adopted by the applicant who has satisfied this court as financially and morally capable of giving sound parental care to the child for health growth.
6. The applicant upon adopting the child has an obligation to treat the child as her biological child and to meet all the parental responsibilities. The adoption order once made will be final and binding during the lifetime of the child. The child will be entitled to inheritance of the applicant's property upon adoption and as per by the law established. The applicant must be aware that notwithstanding unforeseen behavior or other changes in the child, she will not have any option of giving up the child.
7. Considering that the child was abandoned by its biological parents, this court dispenses of such parental consent.
8. I am satisfied that all the legal requirements for local adoption under the Children's Act have been met in this case. The prayers in the Originating Summons and in the Notice of Motion dated 27/11/2019 are hereby granted as follows:-
  - a) That EWM is hereby appointed as guardian *ad litem* with effect from 3<sup>rd</sup> March 2021.
  - b) That the applicant CNK is hereby allowed to adopt Baby SMW alias SM.
  - c) That the applicant is hereby declared the guardian of Baby SMW alias SW.
  - d) That Baby SMW alias SM will hence forth be known as SMW.

e) That the Registrar – General is hereby directed to make the relevant entry in the Adoption of Children Register.

9. It is hereby so ordered.

**DELIVERED, DATED AND SIGNED AT NYERI THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2021.**

**F. MUCHEMI**

**JUDGE**

**JUDGEMENT DELIVERED THROUGH VIDEO LINK THIS 23RD DAY OF SEPTEMBER, 2021**