



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**In re RFS alias FW (Child) (Adoption Cause 7 of 2018)  
[2021] KEHC 543 (KLR) (17 December 2021) (Ruling)**

*In re RFS (Child) [2021] eKLR*

Neutral citation: [2021] KEHC 543 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
ADOPTION CAUSE 7 OF 2018  
JN NJAGI, J  
DECEMBER 17, 2021  
IN THE MATTER OF ADOPTION OF RFS ALIAS FW**

**IN THE MATTER OF**

**ENM ..... APPLICANT**

**RULING**

1. The applicant, ENM, has filed Originating Summons dated 15th December 2017 seeking for orders that:
  1. That the child be presumed to be a Kenyan citizen by birth.
  2. That the Director of immigration be authorized to issue the child with a Kenyan passport.
  3. That the Applicant be authorized to adopt RFS alias F W to be known as FRW.
  4. That JMM and EWM be appointed as the legal guardians of the child in the event of the death of incapacity of the Applicant before she is of full age and fully self-reliant.
  5. That the Registrar-General be directed to enter in the Adopted Children Register an entry recording the adoption.
  6. That the court be please to make any father orders it deems necessary.
2. The background facts of the case are that the subject herein was found abandoned on 4<sup>th</sup> March 2015 within Magumu area in Kinagop constituency. Efforts to trace her parents or relatives were fruitless. The subject was taken to Magumu police Post. Efforts to trace her parents or relatives were fruitless. The subject was then committed to New Life Home Trust in Nairobi and thereafter transferred to Satelite Home in Nyeri on 19/7/2015. On the 2/6/2016, the subject was placed under the care of the applicant who has been taking care of her since then. She is now in grade 1.



3. The following documents were attached to the application:
  - 1) Certificate of birth indicating the date of birth of the subject as 16/2/2015
  - 2) Letter from Magumu Police Post reporting on the abandonment of the child.
  - 3) Certificate to declare a child free for adoption No. xxxx
  - 4) Care agreement between the applicant and New Life Home Trust committing the Child to the care of the applicant.
  - 5) Report of the Children Officer Nyeri Central suitability of the to adopt the subject.
4. The applicant is a civil servant working with the [particulars withheld] and Urban Development. She lives in a two bedroomed house at [particulars withheld].
5. The application is made pursuant to sections 158 and 170 of the Children Act, 2001. There is no doubt that the subject was found abandoned at very tender age. Her parents are unknown and nobody has come forward to claim her. She has been living with the Applicant for the last 6 years.
6. The report of the Children officer recommends that the child be adopted by the applicant. The report indicates that the applicant is in salaried employment. She lives in a friendly environment and is financially stable. She has bonded well with the child. I find her a suitable person to adopt the subject. She has complied with all the requirements of the law for purposes of adoption. It is in the best interests of the child that she be adopted by the applicant.
7. I accordingly make the following orders:
  - 1) The court makes an adoption order pursuant to Section 154 (1) of the Children Act authorizing ENM to adopt RFS alias W.
  - 2) That upon adoption the said RFS alias FW shall be known as FRW.
  - 3) That JMM and EWM are hereby appointed legal guardians of the child in the event of death or incapacity of the applicant before the child is of full age.
  - 4) That the child be and is hereby presumed to be a Kenyan Citizen at birth.
8. The Registrar – General is hereby directed to make an entry in the Adopted Children Register in the prescribed form.

Orders accordingly.

**DELIVERED, DATED AND SIGNED AT NYERI THIS 17<sup>TH</sup> DAY OF DECEMBER 2021.**

**J.N. NYAGA**

**JUDGE**

In the presence of:

Miss Mbugua holding brief for Kamenchu: - for applicant

Court Assistant: - Kinyua

30 days Right of Appeal.

