



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

Adoption Cause 191 Of 2018

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

IN THE MATTER OF BABY TN

RWG.....APPLICANT

JUDGMENT

1. The Applicant herein RWG (hereafter referred to as the Applicant) filed the Originating Summons dated 28.12.2018 seeking authority to adopt Baby TN and to name her GW (hereafter referred to as the child).
2. The Applicant is an adult Kenyan Citizen born on 12.3.1965.
3. She is single and currently working as a Risk Manager with [particulars withheld].
4. The Applicant attached bank statements and pay-slips to show her financial capability to take care of the child.
5. The Applicant earns Ksh.149, 000 per month and she has investments in Old Mutual to the tune of 3.4 million shillings.
6. The Applicant has her own home in Woodley estate where she lives with a house help who will be taking care of the child when the Applicant is at work.
7. The applicant also attached her certificate of good conduct and Medical Report showing she is health with no criminal record.
8. The Child was found abandoned in Kitale Hospital on 13.11.2006 by the biological mother LW and a report was made at Kitale Police Station on 16.1.207 vide OB No. [...].
9. The date of birth the child is 13.11.2016.
10. The child was committed to Mercy Rescue Centre on 23.11.2016.
11. The Police wrote two Letters dated 16/1/2017 and 15.10.2017 and confirmed no one had gone to claim the child.
12. The Chief Magistrate's Court Kitale committed the child to the said home vide care and Protection Care No. 37 of 2019.
13. The child was declared free for adoption vide Certificate [...] dated 17.10.2017 under **Section 159(1) (a) (i)** of the Children Act which states *that*:

“Abandonment may be presumed if the child appears to have been abandoned at birth or if the person or institution having care and protection of the child has neither seen nor heard from a parent or guardian of the child for a period of at least six months.”
14. She was placed with Applicant on 22.2.2018 vide agreement of even date between the Applicant and Mercy Rescue Society Kitale.
15. The following Reports were filed in respect of this adoption.

(i) The Guardian Ad Litem's Report dated 17.9.2019

(ii) The Director Children's Services report dated 26.8.2019

(iii) Change Trust Adoption Society Report dated 13.11.2016.

16. I find that Reports are favourable and it is for the best interest of the child that this Adoption be allowed.

17. I therefore find that the Applicant meets the legal threshold for adoption of the child and I allow the originating summons dated 28.12.2018 in the following terms:

(i) THAT the Applicant be and is hereby authorized to adopt the child.

(ii) THAT the Child shall henceforth be known as GW

(iii) THAT the date of birth of the child is 13th November, 2016.

(iv) THAT the Registrar General be and is hereby directed to enter the Adoption in the Adopted Children Register.

(i) THAT SKG and JWN be and are hereby appointed Legal Guardians of the Child in case of incapacity of the Applicants before the child attains the age of the Majority.

(ii) THAT the Guardian Ad Litem be and is hereby discharged.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 21ST DAY OF FEBRUARY 2020.

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.