



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 45 OF 2019**

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

**IN THE MATTER OF BABY J alias ABJ alias BABY J alias JA alias BABY ABB alias AMW**

**MWM.....APPLICANT**

**JUDGMENT**

1. The Applicant herein MWM(hereafter referred to as the Applicant) has filed the Originating Summons dated 4.4.2019 seeking authority to adopt Baby BABY J alias ABJ alias BABY J alias JA alias BABY ABB alias AMW (hereafter referred to as the child).
2. The Applicant is an adult Kenyan Citizen who works as a driver at [particulars withheld] Maternity Hospital earning a salary of Ksh.44,000/-.
3. The Applicant is in good health and a certificate of good conduct. She was placed with a child called IN whom she intended to adopt but the process did not go through.
4. The Applicant stays with Isabel and two biological children to Isabel.
5. The child was found abandoned at Kenyatta University on 23.6.2003 and he was rescued by a good Samaritan who reported the matter to Kasarani Police Station under OB No. [...].
6. The Police did a first letter dated 23.6.2003 and the child was taken to Missionary of Charity on 26.6.2003.
7. The child was taken to Milimani Law Courts in Protection & Care Case No. 435 of 2010 and he was committed to Missionaries of Charity.
8. The police did a final letter on 1.4.2005 which said that the biological parents of the child could not be traced.
9. The child was declared free for adoption on 11.1.2011 vide certificate serial No. [...] and he was placed with the Applicant on 8.5.2005.
10. The Applicant provided the guidelines for special circumstances by the Adoption Committee of the Ministry of Gender, Children and Social Development dated 13.1.2010 and stated that the applicant was placed with another child and further that the Applicant is the only one who can adopt the child having been placed with her since 8.5.2005.
11. The following Reports were filed in respect of this adoption:
  - (i) **The Guardian Ad Litem's Report dated 29.10.2019**
  - (ii) **The Kenya Children's Home Report dated 17.5.2019 and Supplementary report dated 4.11.2019.**
  - (iii) **The Director Children's Services report dated 11.10.2019**
12. The Child was placed with the Applicant on 8.5.2005 and she is the only one who has been taking care of the child who is now in secondary school.
13. The Applicant was also placed with another child but the adoption did not go through.
14. I find that it is in the best interest of the child that this adoption be allowed considering the special circumstances of this case.

15. I have considered the Reports filed herein and I find that they are all favourable and they recommend the adoption.

16. I therefore find that there are special circumstances to warrant this court to allow the adoption although the Applicant is a single female and the child is a mode child.

17. I accordingly allow the originating summons dated 4.4.2019 in the following terms:

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

**(ii) THAT the Child shall henceforth be known as AMW.**

**(iii) THAT the date of birth of the child shall be 26.5.2003.**

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

**(v) THAT JW be and are hereby appointed Legal Guardian of the Child in case of incapacity of the Applicants before the child attains the age of the Majority.**

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

**DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 6<sup>TH</sup> DAY OF MARCH, 2020.**

**ASENATH ONGERI**

**JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.**