



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 116 OF 2019**

**IN THE MATTER OF AN ADOPTION APPLICATION FOR BABY AW BY TNM AND RMN**

**RULING**

1. Before me is an Originating Summons dated 24<sup>th</sup> July 2019 brought under Section 154, 156, 157, 158, 159, 163 and 170 of the Children Act No. 8 of 2001 by TNM and RMN for the Adoption of Baby AW.
2. The application seeks 6 orders as follows –
  1. The consent of the biological parents of Baby AW be dispensed with since the child was abandoned shortly after birth.
  2. The applicants herein be and are hereby authorized to adopt Baby AW and the child shall be called ANN.
  3. The court be pleased to appoint MWG as the legal guardian of ANN upon granting the adoption order.
  4. The Registrar-General be ordered to make the appropriate entries in the Adopted Children's Register in respect of ANN.
  5. That ANN be considered a Kenya citizen.
  6. That the court be pleased to make any further orders it deems necessary.
3. Before the Originating Summons was heard, the court appointed KJOO as guardian ad litem of the child. Thereafter, the guardian ad litem and the Director of Children Services filed their reports in respect of the proposed adoption.
4. On the hearing date the guardian ad litem appeared virtually and adopted his report dated 15<sup>th</sup> January 2020 in which it was recommended that the proposed adoption was in the best interests of the child.
5. Mr. Ezekiel Kimani for the Director of Children Services also adopted their report prepared by himself on 20<sup>th</sup> January 2020, in which it was recommended that the applicants were suitable to adopt, and that the proposed adoption was in the best interests of the child, and that the Director of Children Services supported the application for adoption of the child.
6. On my part, having considered the application and the evidence and facts placed before me, I am satisfied that the applicants have satisfied the legal requirements under the Children's Act 2001, and that the proposed adoption is in the best interests of the child, who will now be brought up in a family setting with parents to support and guide her.
7. I thus allow the application and order as follows –
  1. **The consent of the biological parents of Baby AW be and is hereby dispensed with since the child was abandoned shortly after birth.**
  2. **The applicants herein TNM and RMN be and are hereby authorized to adopt Baby AW and the child shall be called ANN.**
  3. **The court hereby appoints MWG as the legal guardian of ANN.**
  4. **ANN is hereby declared to be a Kenya citizen.**
  5. **The Registrar General be and is hereby ordered to make the appropriate entries of this adoption in the Adopted**

**Children's Register in respect of ANN.**

**Dated and delivered at Nairobi this 26<sup>th</sup> October, 2020.**

**George Dulu**

**JUDGE**

*Delivered virtually due to the COVID-19 pandemic and the Ministry of Health regulations.*