



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY AND PROBATE DIVISION

ADOPTION CAUSE NO. 86 OF 2017

IN THE MATTER OF THE CHILDREN ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF ADOPTION OF BABY AW ALIAS HW.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

RRMK (APPLICANT)

JUDGMENT

Background:

1. Before me is an application for adoption of a child **Baby AW alias HW** ("the child") by way of an Originating Summons, pursuant to **Sections 158,159,160,163, 164 and 169** of the Children's Act and **Sections 1A,1B & 3A** of the Civil Procedure Act. The Applicant **RRMK** seeks for orders to adopt baby **AW alias HW**; for **BWK & RWM** to be appointed as a legal guardians of the child; and for the Registrar General to make appropriate entries in the Adoption Register.

On the 9th of November 2017 the court appointed **AM** as guardian *ad litem*, and directed both the Director of the Children's Services Department in Nairobi and the said guardian *ad litem* to investigate the Applicants' fitness to adopt and file their respective reports.

2. Reports

Director of Children's Service Report

In a report dated 1st March, 2018 prepared by Nyabuto Matundura a Principal Children's Officer and Loyce Anzigale the court was informed that; the applicant is a Kenyan doctor, aged 38 years. And employed at [particulars withheld]. She remains single and is a resident in Kilimani, Nairobi. Further the applicant has always wanted to adopt and nurses the thought of opening a children home.

The child was approximately 2 days old at the time of abandonment. Was found by a good Samaritan along the road, near Ambassador Church. The child's date of birth estimated to be the 15th of April, 2015. The good Samaritan reported the matter to Rweni Police Post; the matter recorded as OB NO.[xxxx] and the baby taken to Kiambu Hospital. Later the child was placed under the care of Jean Petty Legacy Home. The child was declared free for adoption on 17th of June 2016 by Little Angels Network Adoption Society under Certificate Number [xxxx].

The child was found to have bonded well with the applicant. She feeds well and is healthy. Is friendly, charming and playful.

The officer recommended the adoption.

The adoptive mother was found to have sufficient income, with investments and a good home within a good environment which is fit for a child's growth. She is said to be responsible and able to provide parental love and care. The adoption was recommended.

3. Guardian Ad litem's Report

The Guardian *ad litem* filed a report dated 20th February 2018. The report equally gives details of the applicant. The applicant was born on the 29th of December 1979. Is a practising Christian who attends the Nairobi Chapel. She works as a medical doctor and is the Chief Operation Officer of [particulars withheld]. She oversees clinical, finance, human resource and marketing operations. Previously she served in Government and other private hospitals.

The child at the writing of the report was 2 years 10 months. Is said to be bold, inquisitive, playful, likes to sing and dance, and active in riding her bicycle. The child currently stays with the applicant.

The applicant was said to have a well-paying job and is able to provide and support the child. The applicant stays in a good neighbourhood, has a car and a medical cover that includes the child. The applicant and the child have bonded well.

4. Based on the above background the court has formed an opinion that the Applicant meets all the necessary legal requirements and it will be in the best interest of the child to allow this adoption. The child has found in the applicant a mother who loves her and has the means to bring her up in a suitable environment and accord her parental love and care.

5. Consequently the court orders as follows that;

- i) **RRMK** be and is hereby authorised to adopt **baby AW alias HW** who will be known upon this adoption as **MK**.
- ii) **BWK and RWM** be and are hereby appointed as the Legal Guardians of **MK**.
- iii) The Registrar General do register this adoption in the register of adoption and issue a certificate.
- iv) Costs in the cause.

SIGNED DATED and **DELIVERED** in open court this 31st day of January, 2019.

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ALI-ARONI

JUDGE