



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 123 OF 2018

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

AND

IN THE MATTER OF APPLICATION FOR THE

ADOPTION OF BZB alias ZC alias BZC alias CZB alias AB

ZB.....(MINOR)

BY

LWK.....1ST APPLICANT

AND

MWK.....2ND APPLICANT

JUDGMENT

1. The Applicants herein A. K. K. and M. W. K. are seeking orders to adopt the child Z.B alias ZC alias Z alias CZB alias ABZB (herein referred to as the Child) and that the child be presumed to be a Kenyan Citizen.
2. The Applicants who are both Kenyan Citizens got married under Kikuyu Customary Law in the year 1993 and thereafter they Solemnized their marriage on 6th July 2017 at the District Commissioner's Office.
3. The 1st Applicant is a teacher at [particulars withheld] Primary School while the 2nd Applicant is a business lady operating a business in the name and style of [particulars withheld] Shop.
4. The child was found abandoned at Kisumu Ndogo area of Kware at a gate on 26th August 2016 and she was rescued by a good Samaritan who reported the matter to Ongata Rongai Police Station vide OB No. [particulars withheld]/27/8/2016.
5. The child was placed at the New life Mission on 29th August 2016 and later committed to New life Home vide Protection and Care Case No. 84 of 2017 from Ngong Law Courts.
6. The efforts by police to trace the biological mother of the child bore no fruit and the child was finally declared free for adoption on 17th January 2018 vide Certificate No. [particulars withheld].
7. The Sub-county Children Office at Nyandarua North investigated the matter on behalf of the Director of Children's Services and gave a report dated 26th November, 2018 which recommended the Applicants as fit to adopt the child.
8. The Guardian Ad Litem also gave a report dated 4th December 2018 in which she has recommended that the Court would serve the Child's best interest by approving the adoption.
9. The Kenya Children's Homes Adoption Society also filed a report dated 12th October 2018 in which it is stated that the Case Committee

sitting 16.5.2018 analyzed the case and was satisfied that the applicants were fit to adopt the child.

10. I have considered the Application by Originating Summons dated 11th September 2018 together with the Affidavits in Support of the same and also the Reports filed herein and my findings are as follows;

i. I find that the Applicants are qualified to adopt the child.

ii. The consent of the biological mother could not be obtained as the child was found abandoned on 26th August 2016 at Kisumu Ndogo and therefore Section 159 of the Children Act is complied with.

iii. I accordingly find that it is in the best interest of the child that the Applicants be allowed to adopt the child and I accordingly authorize them to adopt the Child.

iv. The Child will be known as CNK.

v. SMK and JMM are appointed as legal guardians of the child in case of any incapacity by the Applicants before the child attains the age of the majority.

vi. The Registrar General is directed to enter this order in the adoption Register.

vii. The date of birth of the Child shall be 25th August 2016 according to the Birth Certificate.

viii. The Guardian ad Litem is accordingly discharged.

ix. Finally it is further ordered that the child shall be presumed a Kenyan Citizen.

Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 25TH DAY OF JANUARY, 2019.

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI