



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 6 OF 2019 (OS)**  
**IN THE MATTER OF THE CHILDREN ACT 2001**  
**AND**  
**IN THE MATTER OF BABY SAS ALIAS AK**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**  
**MTK.....APPLICANT**

**JUDGMENT**

1. The applicant is a single Kenyan woman aged 55 years and self-employed. She got married to one MM in September 1983 under Kamba customary law. They separated in 1989. She does not have a child of her own. She filed the originating summons on 31<sup>st</sup> January 2019 seeking to be allowed to adopt baby SAS alias AK.

2. Baby SAS alias AK was presumably born on 29<sup>th</sup> October 2007. She was found abandoned in Huruma Estate in Nairobi. She was found by police officers on patrol. The matter was reported at Muthaiga Police Post on 3<sup>rd</sup> May 2010 and recorded vide Occurrence Book Number [xxxx]. The child was referred to Nairobi Children's Home and admitted to the facility on 5<sup>th</sup> May 2010. The child was committed to Thomas Barnardo House on 27<sup>th</sup> October 2010 vide Protection and Care number [xxxx]. She was subsequently declared free for adoption on 9<sup>th</sup> June 2011 vide certificate number 664 by the Kenya Children's Homes Adoption Society. On 28<sup>th</sup> June 2011 the child was placed with the applicant for mandatory bonding. She has continuously been residing with the applicant. Efforts to trace the child's parents or relatives did not bear any fruits.

3. The court on 21<sup>st</sup> February 2019 appointed BMY as guardian *ad litem* and ordered that he files a report after carrying out a social inquiry on the applicant. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her capability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was borne to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents as the child was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a. the applicant MTK is hereby allowed to adopt Child SAS alias AK;

b. the Child's date of birth shall be 29<sup>th</sup> October 2007 and shall be presumed Kenyan having been found abandoned in Huruma

Estate in Nairobi in Kenya;

c. Child **SAS** alias AK shall henceforth be known as AMT;

d. ENK is hereby appointed to be the child's legal guardian in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant;

e. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f. the guardian *ad litem* is hereby discharged.

**DATED and SIGNED at NAIROBI this 26th day of SEPTEMBER 2019**

**A.O. MUCHELULE**

**JUDGE**