



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 181 OF 2017**  
**IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001**  
**AND**  
**IN THE MATTER OF APPLICATION FOR THE ADOPTION OF**  
**BABY DNJ**  
**BY**  
**ANW.....APPLICANT**  
**JUDGMENT**

1. The Applicant herein is ANW (hereafter referred to as the Applicant) filed the Originating Summons dated 16.11.2017 which was amended on 9.5.2017 seeking authority to adopt Baby DNJ who is to be renamed NRW (hereafter referred to as the Child).
2. The Applicant is a single Kenyan Adult born in 1982 currently working with [particulars withheld].
3. The Applicant has no medical problem or Criminal record and is financially able to take care of the child as evidenced by her financial statements.
4. The Applicant was married to one MM under Customary Law for 10 years but they have since separated.
5. The Child was born at Nyeri Provincial General Hospital to one Ms. MMN on 18.10.2015.
6. On 19.10.2015, the mother approached K.K.P.I Adoption Society with the intention of offering the child for adoption. She was taken through the Explanatory Memorandum and signed a Certificate of acknowledgment as a confirmation.
7. A vacancy was secured for the child at Newlife Home Trust Nyeri where the child was admitted for temporary custody.
8. On 20.10.2015, the child was transferred to New Life Home in Nairobi and she was returned to Nyeri on 11.3.2016.
9. On 28.7.2016, the child was committed into Legal Custody of New Life Home Trust Nyeri vide Nyeri Care and Protection Case No. 75 of 2016.
10. The Child was declared free for adoption by Kenyans to Kenyans Peace Initiation (K.K.P.I) Adoption Society vide Certificate Serial No. [xxxx] dated 26.10.2016 under **Section 159(1) (a) (i)** of the Children Act which states that:

*“Abandonment may be presumed if the child appears to have been abandoned at birth or if the person or institution having care and protection of the child has neither seen nor heard from a parent or guardian of the child for a period of at least six months.”*

11. She was placed under the Care and Control of the Applicant on 3.3.2017 and they have bonded well.
12. The following Reports were filed herein:

**(i) The Director Children’s Services Report dated 9.7.2019**

**(ii) The Guardian Ad Litem's Report dated 2.2.2019.**

**(iii) The K. K. P. I Adoption Society Report dated 27.2.2018 filed in Court on 1.3.2019**

13. The Reports are favourable and they recommend the Adoption. I also find that the Applicant meets the legal threshold for adoption of the child and I allow the originating summons dated 16.11.2017 as amended on 9.5.2019 in the following terms:

**(i) THAT the Applicant ANW be and is hereby authorized to adopt Baby DNJ.**

**(ii) THAT the Baby shall be named NRWM.**

**(iii) THAT the date of birth of the Child shall be 18.10.2015**

**(iv) THAT the child be and is hereby presumed a Kenyan Citizen by birth.**

**(v) THAT the Registrar General be and is hereby directed to enter this Adoption order in the Adopted Children's Register.**

**(vi) THAT the Director of Immigration be and is hereby directed to issue the child with a Kenyan passport.**

**(vii) THAT PW and JMM be and are hereby appointed legal guardians of the Child in case of incapacity by the Applicant before the Child attains the age of majority.**

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

**DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 29<sup>TH</sup> DAY OF NOVEMBER, 2019**

**ASENATH ONGERI**

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