



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 14 OF 2019
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001
AND
IN THE MATTER OF APPLICATION FOR THE ADOPTION OF
BABY BN alias PW
DWM.....RESPONDENT

JUDGMENT

1. The Applicant herein DWM (hereafter referred to as the Applicant) filed this Originating Summons dated 8.2.2019 seeking authority to adopt Baby BN alias PW and to name her PW (hereafter referred to as the child).
2. The Applicant is a Kenyan Adult aged 38 years who is single and has no biological children.
3. The Applicant is a business woman who is financially capable of taking care of the child. She is in good health and has no Criminal record.
4. The Child was found abandoned on a maize plantation at [particulars withheld] Motorist, who reported to the village Elder- one Elder Morris Otunga.
5. The matter was reported to Kiambaa Police station in OB Number [xxxx] and an initial police letter dated 12.7.2017.
6. The Department of Children's services wrote to the Chief Magistrate Eldoret and requested to have the baby committed to New life Home Trust.
7. The Child was committed to the Home vide Protection and Care Case No. 97/2017 dated 3.8.2017.
8. The Police wrote a final letter dated 8.2.2018 confirming no one had gone to claim the child.
9. The child was declared free for adoption vide certificate Serial No. [xxxx] dated 9.3.2018.
10. The child was placed under foster care of the Applicant on 23.3.3018.
11. The following reports have been filed in respect of the Adoption.
 - (i) **The Guardian Ad Litem's Report dated 10.5.2019.**
 - (ii) **The Director Children Services Report dated 2.8.2017.**
 - (iii) **Little Angel's Network Adoption Society's Report dated 9.3.2018.**
12. I find the Reports are favorable and they recommend the adoption. I also find that the Applicant herein has met the threshold for adoption of the child.

13. Finally, in deciding this matter I am obliged to adhere to **Section 4(2) of the Children Act 2011**, which provides:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

14. The Originating summons dated 8.2.2019 be and is hereby allowed in the following terms:

(i) THAT the Applicant DWM be and is hereby allowed to adopt Baby BN aka. PW and to name her PW.

(ii) THAT the Child’s date of birth shall be 12th July, 2017.

(iii) THAT the Registrar General be and is hereby directed to enter this adoption in the Adopted Children’s Register.

(iv) THAT the child be and is hereby presumed to be a Kenyan and the Director Immigration Service do issue her with Kenyan Passport.

(v) THAT SNM and SKK be and are hereby appointed Legal Guardians of the child.

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

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 29TH DAY OF NOVEMBER, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.