



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 92 OF 2018 (OS)

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

IN THE MATTER OF ADOPTION OF MW ALIAS GW

BY

CWM (APPLICANT)

JUDGEMENT

1. The Applicant **CWM** moved this court by way of an Originating Summons dated 29th March 2019 seeking for the following orders; -
 - a. That **she** be authorised to adopt the minor **MW ALIAS GW (MINOR)**
 - b. The minor upon adoption be known as **NW**
 - c. That **RNN & LWM** be appointed as legal guardian of the minor in the event the applicant dies or is incapacitated by ill-health before the minor is of full age and fully self-reliant.
 - d. That the Registrar General do enter the adoption in the Adoption Register.
2. Before allowing any adoption, the court would require *guardian ad litem* be appointed. Sandra Wanjiku Mwaura was appointed as *Guardian ad litem* on the 11th of October 2018. The *Guardian ad litem* as appointed by court and the Department Children's Services were required to investigate and file their respective socio inquiry reports on the applicant's suitability and fitness to adopt.
3. The *guardian ad litem* in her report filed on 28th February, 2019 reported that the child has had a healthy growth, is well catered for and was very close to the applicant. She recommended the applicant as a fit person to adopt the child.
4. In his report filed on 11th February, 2019 the Director of Children's department echoes the sentiments of *the guardian ad litem*. Further the report found the applicant was able and willing financially to support the child and recommended the adoption of the child by the applicant.
5. The applicant is aged 44 years and is head of brand and communication in a telcom company in Nairobi. She is a single. She resides in a three bedroomed house off Rapta road in Westlands in Nairobi. Her reason for adopting the minor herein is purely philanthropic.
6. The child was placed with the Applicant on the 19th of May 2006. 13 years ago, and is said to have bonded well with the applicant whom she refers to as 'mum'.
7. The child was born on 20th off June, 2016 and was abandoned at birth at Kiambu District Hospital by her biological mother. The matter was referred to Kiambu Children's office on 4th July, 2016. Thereafter the child was placed at Mogra Soul Winner Rescue Centre on 12th July, 2016. . Two police letters dated indicated that her parents could not be traced.
8. The child was declared free for adoption by Little Angels Network on 1st September, 2017. The child was placed with the applicant on 2nd June, 2017.
9. Against the above background the court finds the applicant is a fit person to adopt the child, she has met all the necessary requirements of

law and this adoption is for the best interest of the child. Consequently, the following orders issue;

- a. The Applicant **CWM** be and is hereby authorised to adopt **MW ALIAS GW** who will upon this adoption be known as **NW**
- b. **RNN & LWM** be and are hereby appointed as the child's legal guardian in the event the applicant dies or is incapacitated before the minor attains the age of 18 years.
- c. The Registrar General do enter this adoption in the Adoption Register.
- d. The **guardian ad litem** S W M is hereby discharged from the duties bestowed upon her by the court.

Dated and Delivered in Nairobi this 28th day of November, 2019.

ALI-ARONI

JUDGE