



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 20 OF 2014**  
**IN THE MATTER OF THE CHILDREN ACT 2001**  
**AND**  
**IN THE MATTER OF ADOPTION OF CHILD V.T**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION**  
**BY**  
**P C W.....1<sup>ST</sup> APPLICANT**  
**J W K.....2<sup>ND</sup> APPLICANT**  
**JUDGMENT**

1. The applicants are a Kenyan couple aged 47 and 45, respectively. The first applicant is a Technician at [particulars withheld] Dar –es-Salaam while their second applicant is a business lady. They are married but have not been blessed with children. They filed the originating summons on 28<sup>th</sup> January 2014 seeking to be allowed to adopt a female child who is estimated to have been born on 3<sup>rd</sup> September 2012.

2. Child V T was on 23<sup>rd</sup> October 2012 found abandoned at Kangundo Road junction at Garden Hotel. She was rescued by a good samaritan and reported to Machakos Police Station where the incident was recorded vide O.B No. [particulars withheld]. Through a Police Officer from Machakos Police Station, the child was placed at Springs of Hope -Machakos on 23<sup>rd</sup> October 2012. It was transferred to New Life Home Trust on the 11<sup>th</sup> February 2013, and then returned to Springs of Hope -Machakos by the Children’s Court in Machakos vide Protection and Care No.63/12. The child has not been claimed by anyone, and police investigations to reveal her parents and/or relatives have not borne any fruit. The child was declared free for adoption under **section 156(1)** of the **Children’s Act** by Buckner Kenya Adoption Services on 27<sup>th</sup> June 2013 and was placed under the care of the applicants for mandatory bonding prior to adoption. She has been under the continuous care of the applicants since 5<sup>th</sup> July, 2013.

3. The court on 8<sup>th</sup> July 2014 appointed K N I as guardian *ad litem* and ordered that he files a report after

carrying out a social inquiry on the applicants. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicants be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicants had bonded well.

4. The court finds that it is in the best interests of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They 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 them. They have 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 their property. The applicants 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 applicants P C W and J W K are hereby allowed to adopt Child V T;
- b. Child V T shall henceforth be known as D M;
- c. the child's date of birth shall be 3<sup>rd</sup> September 2012, and shall be presumed Kenyan by birth having been found abandoned at Kangundo Road junction at Garden Hotel in Kenya;
- d. I M W is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicants 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 6<sup>TH</sup> day of MARCH 2018.**

**A.O. MUCHELULE**

**JUDGE**

**DATED and DELIVERED at NAIROBI this 8<sup>TH</sup> day of MARCH 2018.**

**R.E. OUGO**

**JUDGE**