



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 68 OF 2012**

**IN THE MATTER OF THE CHILDREN ACT 2001**

**AND**

**IN THE MATTER OF ADOPTION OF CHILD GW**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**PWK.....APPLICANT**

**JUDGMENT**

1. The applicant is a Kenyan citizen aged 61. She is a secretary at [particulars withheld] Secondary School. She is single with one grown up daughter. She filed the originating summons dated 28<sup>th</sup> March 2012 seeking to be allowed to adopt this female child who is estimated to have been born on 1<sup>st</sup> May 2008.

2. Child GW was found abandoned by the roadside in Kigwaru area on 27<sup>th</sup> November 2008 by an old lady. The matter was reported to Runda Police Station vide O.B No. [Particulars withheld]. The child was then placed at the NEST Children's Home on 27<sup>th</sup> November 2008 for care and protection. She was formally committed to the NEST Children's Home on 13<sup>th</sup> February, 2009 vide an order of the Children's Court in Nairobi, Protection and Care Cause No.29 of 2009. The final police letter dated 30<sup>th</sup> July 2009 stated that no claim had been made by the child's mother or family. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Kenyans for Kenyans Peace Initiative (K.K.P.I) Adoption Society on 28<sup>th</sup> October 2009 vide certificate No. [Particulars withheld] and was placed under the care of the applicant for mandatory bonding prior to adoption. She has been under the continuous care of the applicant since 21<sup>st</sup> November 2009.

3. The court on 5<sup>th</sup> May, 2017 appointed GKM 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 ability 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 PWK is hereby allowed to adopt Child GW;

b) Child GW shall henceforth be known as PCW;

c) the child's date of birth shall be 1<sup>st</sup> May 2008, and the child shall be presumed to be Kenyan by birth having been found abandoned in Kigwaru area in Kenya;

d) LWT is hereby appointed to be the child's legal guardian in the event of 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 31<sup>st</sup> day of MAY 2018**

**A.O. MUCHELULE**

**JUDGE**