



**REPUBLIC OF KENYA**

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

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 4 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY L W alias L W alias K Z**

**JUDGEMENT**

1. The applicant, AWK, is a Kenyan citizen. She is single. She seeks to adopt Baby LW alias LW alias KZ. Her Originating Summons is dated 18<sup>th</sup> December 2014 and was amended on 1<sup>st</sup> December 2017.
2. The child in question was found abandoned in a bush in the Githwariga area of Nyeri municipality on 4<sup>th</sup> January 2014. She was rescued by Good Samaritans who took her to the Nyeri Provincial Hospital. A report of the incident was made at the Nyeri Police Station, and the child was referred to the New Life Home for care and protection. The Nyeri Children's Court committed her to that institution on 30<sup>th</sup> January 2014. The police were not able to trace the biological parents or relatives of the child thereafter.
3. The child was freed for adoption by the Little Angels Network adoption society by their certificate number [Particulars withheld] of 30<sup>th</sup> July 2014.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, S O . The three have compiled and filed their reports in court. That of the Director of Children Services is dated 29<sup>th</sup> September 2015, while that of the guardian *ad litem* is dated 21<sup>st</sup> May 2018. The report by the Little Angels Network is dated 12<sup>th</sup> August 2014.
5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with her and she considers her to be her mother.
6. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
7. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

**(a) That the applicant, A W N, is hereby allowed to adopt the child Baby L W alias L W alias K Z, who shall hereafter be known as K N K;**

**(b) That the said child shall be presumed to be Kenyan by birth; her date of birth is presumed to be 4<sup>th</sup> January 2014;**

**(c) That A N S and R A M are hereby appointed legal guardians of the child in the event something untoward happens to the applicant;**

**(d) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**

**(e) That the guardian *ad litem* is hereby discharged.**

**DATED, SIGNED and DELIVERED at NAIROBI this 14<sup>TH</sup> DAY OF JUNE, 2018.**

**W. MUSYOKA**

**JUDGE**