



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 11 OF 2017
IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF ADOPTION OF CHILD TA Alias N

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

W K M.....1ST APPLICANT

H W K.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 39 and 37, respectively. The first applicant is a Depot Manager at [particulars withheld] while the second applicant is a Clinical Officer at [particulars withheld]. They are married but have not been blessed with children. The applicants filed the originating summons on 8th February 2017 seeking to be allowed to adopt the female child who is estimated to have been born on 20th December 2014.

2. Child T A Alias N was found abandoned at Kajiado Town on 20th December 2014. The matter was reported to Kajiado Police Station via OB No. [particulars withheld]. The child was later taken to hospital for treatment where she spent three weeks after which she was committed to the care of Mahali Pa Maisha on 14th January 2015 for care and protection. She was formally committed to Mahali Pa Maisha on 23rd January 2015 vide Protection and Care Cause No. [particulars withheld]. The final police letter dated 22nd June 2015 stated that no claim had been made by the child's biological parents or family. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Little Angels Network on 26th June 2015 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 4th July 2015.

3. The court on 9th March 2017 appointed J N K as guardian *ad litem* and ordered that she 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 interest 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 W K M and H W K are hereby allowed to adopt Child T A Alias N;

b. child T A Alias N shall henceforth be known as Princess T N K;

c. the child's date of birth shall be 20th December 2014, and shall be presumed Kenyan by birth having been abandoned at Kajiado in Kenya;

d. C K and I W are hereby appointed to be the child's legal guardians in the event of the 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 26th day of JULY 2018

A.O. MUCHELULE

JUDGE