



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 35 OF 2018**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF ADOPTION OF CHILD R L a.k.a. R W**

**AND**

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

**S K R.....1<sup>ST</sup> APPLICANT**

**E C A.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants are a Kenyan couple aged 37 and 36, respectively. The first applicant is an IT manager at [particulars withheld] while the second applicant is a banker with [particulars withheld]. They are married but have not been blessed with children. They filed this originating summons on 21<sup>st</sup> March 2018 seeking to be allowed to adopt the female child herein.
2. Child R L a.k.a. R W was born on 6<sup>th</sup> October 2016 at Kenyatta National Hospital. She was abandoned in the ward bed by her mother on 8<sup>th</sup> October 2016. The matter was reported at the Kenyatta Police Post through OB No. 30/08/10/2016. The child was transferred to Imani Children's Home on 25<sup>th</sup> November 2016. On 25<sup>th</sup> March 2017 the child was formally committed to Imani Children's Home for care and protection vide Protection and Care Cause No. 93 of 2017. Efforts to trace the child's biological mother and parents were fruitless as evidenced by the final police letter dated 12<sup>th</sup> July 2017. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Buckner Kenya Adoption Services on 29<sup>th</sup> September 2017 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 19<sup>th</sup> November 2017.
3. The court on 7<sup>th</sup> June 2018 appointed G C 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. Each applicant had no criminal record. 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 S K R and E C A are hereby allowed to adopt Child R L a.k.a. R W.;

b) Child R L a.k.a. R W. shall henceforth be known as J J R;

c) the child's date of birth shall be 6<sup>th</sup> October 2016, and shall be presumed Kenyan by birth having been born at Kenyatta National Hospital in Kenya;

d) E T and C W are hereby appointed to be the child's legal guardians 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 22<sup>ND</sup> day of OCTOBER 2018**

**A.O. MUCHELULE**

**JUDGE**

**DATED and DELIVERED at NAIROBI this 25<sup>TH</sup> day of OCTOBER 2018**

**A.N. ONGERI**