



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 30 of 2018

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF

M(MINOR)

LWKSOLE APPLICANT

ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER

JUDGMENT

1. The Applicant is the Originating Summons dated 12.3.2018 LWK (hereafter referred to as the Applicant) is seeking the following orders:
 - (i) **THAT LWK be authorized to adopt M**
 - (ii) **THAT the consent of the biological parents be dispensed with as the child was freely given for adoption.**
 - (iii) **THAT upon the making the adoption order the said child be known as CKK**
 - (iv) **THAT the Registrar General do make the appropriate entries in the Adopted Children's Register in respect of CKK**
 - (v) **THAT the Child**
 - (vi) **be presumed to be a Kenyan Citizen born in Kenya approximately on 9th June 2014 and the Director of Immigration Services do issue the child CKK with a Kenyan passport.**
 - (vii) **THAT PW K be appointed legal guardian of the Child CKK**
2. The Applicant is a single female working at the [Particulars withheld] University of Kenya as a University Registrar.
3. The Applicant is 49 years old and she lives at Thika in a two bed roomed house with a sister and a house help.
4. The Applicant has filed this Originating summons under section 4 and 154 of the Children Act 2001, Section 9 of the Kenya Citizenship and immigration Act No. 12 of 2011 and Section 14 of the Constitution of Kenya 2010.
5. The Applicant seeks to adopt Baby M (hereafter referred to as the Child) and to name him C.K.K..
6. The Child was born on 9/6/2014 to AN at Gatundu District Hospital as indicated on the notifications No. [Particulars withheld]. The mother who was 22 years old freely gave the child for adoption through the social worker at the hospital.
7. The Child was referred to the Child Welfare Society of Kenya Mama Ngina Children's Home on 9.6.2014 and transferred to Abandoned Baby Centre on 3.7.2014 because the facility at Mama Ngina was full.
8. On 25.2.2015, the child was committed to Francis Jones Dagoretti Children Home for care and protection and P&C Case No. 46 of 2015.
9. The biological mother signed the Consent to adoption on 25.7.2014 and the Child Welfare Society of Kenya declared the child free for adoption on 12th March 2015 and issued a Certificate No. [Particulars withheld].

10. The child was placed in the custody of the Applicant on 12.3.2015 and he appears to have bonded well as he calls the Applicant mum.

11. The Director of Children's Services investigated this matter and gave a report dated 6.7.2018 filed on 9.8.2018. The guardian ad litem also filed a report dated 14.9.2018. The Child Welfare Society of Kenya also gave a report dated 11.9.2017 filed in Court on 10.5.2017.

12. I have considered the Originating Summons dated 12.3.2018 together with the affidavits in support and also the reports filed by the Director of Children's Services, the Adoption Society and the guardian ad litem. My findings are as follows:

(i) I find that all reports are favorable and that the Applicant meets all the legal criteria for adoption of the Child.

(ii) The Consent of the biological mother of the Child was obtained as required by Section 158 of the Children Act.

(iii) I find that it is in the best interest of the Child that this adoption be allowed. I accordingly order that the Applicant be and is hereby allowed to adopt the child and to name him C.K.K.

(iv) The date of birth shall be on 9.6.2014 as per notification of birth No. [Particulars withheld].

(v) The Registrar General is hereby directed to enter this order in the adoption Register.

(vi) The Child be and is hereby presumed to be a Kenyan Citizen and the Director of Immigration Services is directed to issue the child with a Kenyan passport.

(vii) PWK be and is hereby appointed legal guardian of the child.

(viii) The guardian ad litem be and is hereby discharged.

Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 30TH DAY OF NOVEMBER, 2018

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI

IN THE PRESENCE OF:

Miss Adongo holding brief for Miss Ngere for the Applicants.