



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 201 OF 2015 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY R M

BY

J W E AND P W W (APPLICANTS)

JUDGMENT

1. **J W E** and **P W W** moved this court by way of Originating Summons dated 24th August 2015, seeking to adopt baby R M to be known as **J A W** upon adoption and to have **J M W** appointed as the legal guardian to the child. They further sought to have the Registrar-General make the necessary entries in the adoption register.

2. In a supporting affidavit dated 24th August 2015, the Applicants deposed that they got married on the 1st of October, 2010 and are yet to get a child of their own and wish to adopt the child named herein who has been in their foster care since the 7th of September, 2012.

Further they informed the court that they have the necessary financial ability to enable them take care of the child.

3. On the 14th of December, 2017 the Court directed both the Director of Children Services and Steven Okong'o Ombok the guardian *ad litem* as appointed to investigate and file a report. The reports were filed on 8th of December, 2015 and 15th of February, 2018 respectively.

Also, on record is a report by Little Angels Network declaring the child free for adoption dated 5th September, 2012.

4. For determination before court is whether or not the Applicants are persons fit to adopt the child named herein, whether all the relevant processes have been followed and whether the adoption is for the best interest of the child.

5. It was reported that the child herein was abandoned within Nyahururu Township on the 18th of January 2012 and his parents are unknown. His date of birth is estimated to have been the 15th of January, 2012. The child was rescued by one James Mwangi and other members of public who reported the matter to Nyahururu Police Station. A report was made to the Nyahururu District Children's office and the child placed in the care of New Life Home Trust on 5th March 2012. No one claimed the child and subsequently the child was placed in the care of the Applicants on 7th September, 2012 to date.

6. The male Applicant is a Kenyan of 39 years and is a public servant whereas the female Applicant is 37 years. Her occupation is psychological counsellor. The Applicants are said to have bonded well with the child and in turn the child is said to be happy in the company of the intended adoptive parents. Both reports before the court highly recommend the adoption and state that the adoption would be in the best interest of the child.

7. Having considered the application, the reports filed in court, observed the child, the intended adoptive parents and having analysed all the information on record I have formed the opinion that the Applicants are suitable parents, with the means to give the child a good environment within which to grow. Further it is my opinion that the adoption will be to the best interest of the child.

8. Consequently;

(a) **J W E** and **P W W** are hereby authorised to adopt baby **R M** who will henceforth be known as **J A W**

(b) **J M W** is hereby appointed as the legal guardian to **J A W**.

(c) The Registrar General is hereby directed to enter this adoption in the in the Adoption Children's Register.

DATED, SIGNED and DELIVERED at NAIROBI this 22ND DAY OF November, 2018.

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ALI-ARONI

JUDGE

In the presence of:

Counsel for the Applicants.....