



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 58 OF 2014**  
**IN THE MATTER OF THE CHILDREN ACT 2001**  
**AND**  
**IN THE MATTER OF BABY M I ( A CHILD)**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**  
**N W K..... APPLICANT**

**JUDGMENT**

1. The applicant is a Kenyan national who was born in 1968 at Kandara in Muranga County. She is a farmer and a businesswoman. She got married under customary law in 1986. The marriage ended in 1993 because she was not able to get a child. On 18<sup>th</sup> February 2014 she filed this originating summons seeking to be allowed to adopt child M I who is estimated to have been born on 11<sup>th</sup> June 2010.

2. Child M I was on 1<sup>st</sup> August 2010 found abandoned within Umoja area in Nairobi. A report was made to Buru Buru Police Station and recorded in OB No. [Particulars withheld]. The child was referred to Imani Rehabilitation Agency for temporary custody. On 25<sup>th</sup> May 2014 the child was formally committed to the Agency by the Senior Resident Magistrate at the Nairobi Children Court vide Protection and Care Case No. 146 of 2011. On 31<sup>st</sup> October 2012 the child was freed for adoption by the Kenyans to Kenyans Peace Initiative Adoption Society thereby complying with **section 156(1)** of the **Children Act 2001**. Certificate No. [Particulars withheld] was issued. On 12<sup>th</sup> December 2012 the child was placed under the care and control of the applicant. No one has come to claim the child, and police efforts to trace its parents have not borne any fruit.

3. On 30<sup>th</sup> May 2014 the court appointed B W M to be the guardian *ad litem*. She conducted a home study of the applicant following which she prepared a report to say that the child has bonded well with her and her extended family. The child was found to be in good health, and had brought a lot of happiness to the applicant. The Director of Children Services filed a report on 7<sup>th</sup> October 2015 to say that the applicant was socially and emotionally responsible, was mature and financially able to provide for the child.

4. This court has considered these reports and the facts of the case, and has formed the opinion that it is in the best interests of the child to be adopted by the applicant. The applicant has provided a conducive home and family environment in which the child can grow and develop. She shall assume all parental rights and duties of the biological parent of the child once adopted, and shall treat it as if it was born to her. She 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 shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The court dispenses with the consent of the child's biological parents as she was found abandoned.

5. Having been found that all the legal requirements for a local adoption under the **Children Act 2001** have been met, the following orders shall issue:

(a) the applicant N W K is hereby allowed to adopt child M I who shall henceforth be known as R W;

(b) the child's date of birth shall be 11<sup>th</sup> June 2010, and shall be presumed Kenyan by birth having been found abandoned in [Particulars withheld] area in Nairobi County within Kenya;

(c) T W M (sister to the applicant) is hereby appointed the legal guardian to the child in the event of death or incapacity of the applicant before she is of full age and fully self-reliant;

(d) The Registrar General is directed to enter this adoption in the Adopted Children Register;

(e) The Director of Immigration Services is hereby ordered to issue the child R W with a Kenyan passport; and

(f) The guardian *ad litem* is hereby discharged.

**SIGNED and DATED at NAIROBI this 25<sup>th</sup> JANUARY 2017**

**A.O. MUCHELULE**

**JUDGE**

**DELIVERED at NAIROBI this 26<sup>th</sup> JANUARY 2017**

**M. MUIGAI**

**JUDGE**