



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE 123 OF 2016**  
**IN THE MATTER OF CHILREN ACT, 2001**

**AND**

**IN THE MATTER OF CHILD L.P.**

**AND**

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

**W G.....1<sup>ST</sup> APPLICANT**

**A W M.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants are a Kenya couple aged 38 and 33 years, respectively. The 1<sup>st</sup> applicant is in sales and marketing and the 2<sup>nd</sup> applicant is an internal auditor. They got married on 5<sup>th</sup> April 2010. The 2<sup>nd</sup> applicant has had several miscarriages. On 28<sup>th</sup> September 2016 they filed this Originating Summons seeking to be allowed to adopt Child L.P. who was estimated to have been born on 8<sup>th</sup> March 2014.
2. The Child was found abandoned behind Full Gospel Church in [particulars withheld] and was admitted to Thika Level 5 Hospital. The matter was reported at Makongeni Police Station vide OB No. [particulars withheld] on 8<sup>th</sup> March 2014. The child was admitted at House of Charity Children's Home on 28<sup>th</sup> March 2017. Thika Children's Court committed the Child vide P&C No. 24/15 dated 18<sup>th</sup> February 2015. The biological parents and extended family cannot be found. The child was declared free for adoption by Little Angels Network Adoption Society on 27<sup>th</sup> March 2015 and declaration certificate no. [particulars withheld] was issued. The applicants have lived with the Child since 12<sup>th</sup> June 2015 for mandatory bonding.
3. On 5<sup>th</sup> December 2016 the court appointed M M as the guardian *ad litem*. He conducted a home study of the applicants and made a report to say that the Child has bonded well with the couple and its extended family. The Child is in good health and has brought happiness to the couple. The Director of Children Services filed a statutory report on 22<sup>nd</sup> February 2017, to say the applicants are socially, emotionally and financially capable of bringing up the child and providing for it. The applicants have no criminal record.

4. The court has considered all the reports presented in the case and has formed the opinion that it is in the best interest of the Child to be adopted by the applicants. The applicants have provided a conducive home and family environment in which the Child will grow and develop. They shall assume all parental responsibilities and rights of biological parents of the Child once adopted, and shall treat the Child as if he was born to them. They have been made aware that once the adoption order is made it will be final and binding during the lifetime of the Child, and that 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.

5. The court is satisfied that all the legal requirements for a local adoption under the **Children Act, 2001** have been attained. Orders are as follows::

- a) the applicants W G and A W M are hereby allowed to adopt Child L.P. who shall henceforth be known as L W G;
- b) the Child's date of birth shall be 8<sup>th</sup> March 2014, and shall be presumed Kenyan having been found abandoned in [particulars withheld] in Kenya;
- c) M K and J W M are hereby appointed the legal guardians to the Child in the event of death or incapacity of the applicants before he 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 directed to issue the Child L W G with a Kenyan passport; and
- f) The guardian *ad litem* is hereby discharged.

**DATED and SIGNED at NAIROBI this 25<sup>TH</sup> day of MAY, 2017**

**A.O. MUCHELULE**

**JUDGE**