



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 64 OF 2016
IN THE MATTER OF THE CHILDREN ACT 2001
AND
IN THE MATTER OF CHILD E.U.
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
V W N.....APPLICANT

JUDGMENT

1. The applicant is a Kenyan, aged 44. She is a business lady (tour consultancy). She has never been married although she cohabited in the year 2003 with a man. Between them they got a daughter. On 10th May 2016, the applicant filed this originating summons seeking to be allowed to adopt Child E.U. who was born on 3rd January 2013.
2. Child E.U. was on 2nd September 2014 found abandoned at [particulars withheld] sub-location and admitted at Nyambene District Hospital. On the same day a report was made to Maua Police Station vide OB No. [particulars withheld]. The Child was admitted to New Life Home Trust and was formally committed there on 29th September 2014 by the Resident Magistrate's Court Maua - vide committal order in Protection and Care No. 49 of 2014. On 9th May 2015 Change Trust Adoption Society declared the Child free for adoption and gave a declaration Certificate No. [particulars withheld]. The Child was placed with the applicant on 28th May 2015 for mandatory bonding. She has been with the applicant since.
3. On 7th November 2016 the court appointed P W M as the guardian *ad litem*. She conducted a home study of the applicant following which she prepared a report to say the Child has bonded well with the applicant, her daughter and the extended family. The Child was found to be in good health and had brought happiness to the family. The Director of Children Services also filed a report on 24th May 2017 stating that the applicant was socially, financially and emotionally capable of bringing up the Child and providing for it. The applicant had no criminal record.

4. The court has considered all the reports and is of 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 environment for the Child to grow and develop. Once the adoption is granted the applicant shall assume all parental rights and responsibilities over the Child as though she was the biological parent. She is aware that this adoption order shall be final and binding during the lifetime of the Child. She will not be able to give up the Child owing to any subsequent unforeseen behaviour or other changes of the Child.

5. Having been satisfied 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 V W N is hereby allowed to adopt Child E.U. who shall henceforth be known as C M W;

b) the Child's date of birth shall be 4th January 2013, and shall be presumed Kenyan by birth having been found abandoned at [particulars withheld] in Meru County in Kenya;

c) P N C, G M N, S W N are hereby appointed as the legal guardians 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 C M W with a Kenyan passport; and

f) the guardian *ad litem* is hereby discharged.

DATED, DELIVERED and SIGNED at NAIROBI this 18TH day of MAY 2017.

A.O. MUCHELULE

JUDGE