



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 52 OF 2016
IN THE MATTER OF THE CHILDREN ACT 2001
AND
IN THE MATTER OF CHILD P. aka C.
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
C W M..... APPLICANT

JUDGMENT

1. The applicant is a Kenyan, aged 46, is a businesswoman and has no child. She filed this Originating Summons dated 21st April 2016 seeking to adopt child P. aka C.
2. Child P. aka C. was found abandoned outside the house of T W N at [particulars withheld] in Ndumberi on 26th January 2014 at around 9.30 p.m. T reported the matter to the Assistant Chief who reported to Kiambu Police Station. The incident was recorded in OB/22/27/01/2014. It was later reported to the Kiambu Children's Office. On 27th January 2014 the child was admitted to Mogra Rescue Centre. The child was formally committed to the Centre on 13th October 2015 by the Chief Magistrate's Court at Kiambu vide Protection and Care Case No. 82 of 2015. The Kiambu Police Station has confirmed that no one has come to claim the child. The child was freed for adoption by Change Trust Adoption Society on 14th November 2015. On 16th November 2015 it was placed under the care and control of the applicant for mandatory bonding. The applicant has had the custody of the child since then and the two have bonded well.
3. On 9th June 2016 the court appointed E W K as the guardian *ad litem*. She conducted a home study of the applicant and prepared a report to say that the child had bonded well with the applicant and her extended family. The child is in good health and has brought happiness to the applicant. The Director of Children Services filed a similar report on 4th November 2016 to say the applicant is socially, emotionally and financially capable of bringing up the child and providing for it. She has 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 develop. She shall assume all parental rights and responsibilities over the child once adopted. She is aware that this adoption order is 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.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act (Chapter 141)** have been met, the following orders shall issue:-

- a) the applicant C W M is hereby allowed to adopt child P. aka C. who shall henceforth be known as L M W;
- b) the child's date of birth shall be 26th January 2013, and shall be presumed Kenyan by birth having been found abandoned in Kiambu town in Kenya;
- c) J K 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 L 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