



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 23 OF 2016**  
**IN THE MATTER OF THE CHILDREN ACT 2001**  
**AND**  
**IN THE MATTER OF CHILD J.M.**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**  
**L W T..... APPLICANT**

**JUDGMENT**

1. The applicant is a Kenyan, aged 41 and is an auditor with [particulars with held] in Nairobi. She is single, with no child. She filed this originating summons on 19<sup>th</sup> February 2016 seeking to be allowed to adopt a male child J.M. who is estimated to have been born on 29<sup>th</sup> August 2014.

2. Child J.M. was on 29<sup>th</sup> August 2014 found abandoned at Kihoto Estate within Naivasha town. A good samaritan took him to Naivasha Sub-County Hospital for admission, and a report was made to Naivasha Police Station where it was recorded in O.B. No. 36/3/9/2014. The Children's Office was informed and subsequently the child was committed to Limuru Children Centre on 14<sup>th</sup> January 2015 vide Care and Protection Case No. 3/15 by the Children's Court at Naivasha. The child has not been claimed by anyone, and police investigation to reveal his parents and/or relatives have not borne any fruit. The child was on 9<sup>th</sup> May 2015 declared free for adoption under **section 156(1)** of the **Children Act** by Change Trust and Certificate No. [particulars withheld] issued. The Child was placed under the care of the applicant for mandatory bonding prior to adoption. He has been under the continuous care of the applicant from 2015 to date.

3. This court on 19<sup>th</sup> April 2016 appointed P W M as guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicant. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the Child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the Child. It was found that the Child and the applicant have bonded well. Both the Child and the applicant have been evaluated by a registered adoption society.

4. The court finds that it is in the best interests of the child to be adopted by the applicant. The applicant has demonstrated her ability to provide a conducive home and family environment in which the Child will grow and develop. She shall assume all parental rights and obligations of the biological parents of the Child once adopted, and shall treat him as if he 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. 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. This court dispenses with the consent of the child's biological parents as the child was found abandoned.

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

a) the applicant A L W T is hereby allowed to adopt Child J.M. who shall henceforth be known as J N M T;

b) the child's date of birth shall be 29<sup>th</sup> August 2014, and shall be presumed Kenyan by birth having been found abandoned at Kihoto Estate within Naivasha town in Kenya;

c) V O and J N are hereby appointed as the legal guardians to the child in the event of death or incapacity of the applicant 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 ordered to issue the child J N M T with a Kenyan passport; and

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

**DATED and DELIVERED at NAIROBI this 22<sup>ND</sup> day of JUNE, 2017**

**A. O. MUCHELULE**

**JUDGE**