

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO.96 OF 2016 IN THE MATTER

OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY S W AKA C W

AND

J W M.....APPLICANT

JUDGMENT

1. The applicant **J W M** is seeking to be authorized to adopt baby **S W alias C W** hereinafter referred to as the child. She also seeks that upon making the adoption the child be called **S W M**.
2. The applicant is a single female aged 52 years. She works as a branch manager in Kajiado for [Particulars withheld]. She is medically fit, financially stable and is able to maintain a child.
3. The child was found abandoned at Riruta Police station area of jurisdiction. The matter was reported at Riruta Police station vide occurrence book number [particulars withheld]. The child was officially committed to the care and protection of Thomas Barnardo House by the Nairobi Children's court Senior Resident Magistrate on 27th October 2010 vide Protection and care Case number 266 of 2010. The Riruta Police station vide their letter dated 18th January 2011 indicated that efforts to locate the child's kin have not succeeded. The Kenya Children Home Adoption Society Committee sitting on 12th July 2011 declared the child free for adoption and issued a freeing certificate serial number [Particulars withheld]. The child was placed under the applicant's custody on 22nd July 2011 for the mandatory bonding period.
4. The Department of Children Services filed their report on 13th June 2017. The officer observed that the child has bonded well with the applicant. The applicant is financially stable and hence able to meet the child's needs. The report recommends the adoption as it is in the child's best interest.
5. The guardian ad litem report was filed on 18th May 2017. The guardian ad litem observed that the applicant is of good health, has a steady job as a branch manager at [Particulars withheld] at Kajiado and is therefore financially capable to provide for the child's basic needs. The child appears to have bonded well with the applicant. The applicant is keen to adopt the child as a way to give back to the society by helping a needy child. The report recommends the adoption.
6. It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child as provided under the Children Act. This court is satisfied that the applicant is qualified and able to take care of the child. The applicant is financially stable and capable to provide for the upkeep and education of the child. It was evident that in the period that the applicant has had the custody of the child, the child bonded well with her. The child was an abandoned child.
7. The court finds that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicant **J W M** is hereby allowed to adopt baby **S W alias C W**. She shall henceforth be called **S W M**. **V W G** is hereby appointed as the legal guardian of the child should

misfortune befall the applicant. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled to all the rights that accrue to Kenyan citizens under the Kenyan Constitution 2010 and the Kenyan Citizen and Immigration Act. I hereby discharge the Guardian ad Litem. It is so ordered.

Signed, dated and delivered this **31st** Day of **August** 2017.

R. E OUGO

JUDGE

In the presence of:

Miss Ngugi h/b for Mr. A. Rautta For the Applicant

Ms Charity

Court Clerk