



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI**  
**FAMILY DIVISION**  
**ADOPTION CAUSE 267 OF 2015**  
**IN THE MATTER OF BABY A W**

F W N.....**APPLICANT**

**JUDGMENT**

The Applicant F W N, is a 38 year old woman and the single Applicant in this matter. She lives in Airport View Estate and is a Human Resource Manager currently employed by [particulars withheld]. She, the Applicant and her ex-husband had applied and had been allowed to foster the child who is the subject of this application. She however, has been recently divorced with her husband of 8 years and will not be including him as a co parent. She wishes to complete the adoption due to the fact that she fell in love with the child when she met her in a home in Machakos, and also due to the fact that she has no children of her own and is unable to have one due to medical reasons. She wishes to give a child a good home.

The child A W was born on the 03<sup>rd</sup> July 2009 at Machakos General Hospital to one A K who abandoned her upon delivery. The matter was reported to the Machakos Police Station as **OB No. [particulars withheld] of date 17/12/2010**. The Machakos Police after tireless efforts failed to track down the parents to the child or any relatives. The Machakos District Children's Officer was informed of the matter and sought a home placement for her. A vacancy was secured for the child at the Spring of Hope Children's Centre, Machakos where she was admitted on the 17<sup>th</sup> September 2009. She was committed there by the Children's Court Machakos pursuant to Committal Order Protection and Care No. 75/09 dated 17<sup>th</sup> September 2009. The child was placed with the Applicants for mandatory bonding period prior to adoption on the 21<sup>st</sup> November 2009 through duly signed foster care agreement and the child has lived with the Applicant continuously since then.

On the 06<sup>th</sup> November 2015 through Originating Summons the Applicant sought orders from the Court to be allowed to adopt her foster child. C W K was appointed by the court as a Guardian ad litem in the matter as required by **The Children's Act, 2001**

***Section 160. (1) For the purposes of any application for an adoption order, the court shall upon the application of the applicant or of its own motion, appoint a guardian ad litem for the child pending the hearing and determination of the adoption application.***

Later the guardian ad litem wrote a report filed on the 06<sup>th</sup> May 2016 on her visits to the Applicants home and her relationship with the child. In her opinion the Applicant has shown great parental commitment and unwavering support towards the child. She recommended the adoption of the baby, Baby A W by the Applicant. The pre-placement report by the Little Angels Network Case Committee sitting on the 7<sup>th</sup>

August 2015 assessed the Applicant and found her suitable to adopt a female child already in her foster care.

The Adoption Agency, Little Angels Network filed on the 03<sup>rd</sup> November 2015 a suitable report. The child was freed for adoption vide Certificate of Declaring a Child Free for Adoption Serial No. [particulars withheld] dated 20<sup>th</sup> February 2013.

The County Coordinator Children Services wrote a report to the court after assessing this case. She stated that the child in the matter was considered free for adoption as per **Section 159 of The Children's Act** after she was abandoned by her mother. She has not been claimed by any of her relatives so far. Adoption therefore offers her perfect alternative to both the child and the Applicant. Adoption will certainly be in the best interest of the child who has duly been declared free for adoption. The Coordinator Children's Services recommended that the Applicant F W N be allowed to adopt baby A M. The Applicant has no criminal record as stated by the Criminal Investigation Department in the Certificate of Good Conduct dated 08 of May 2012. The applicant attached documents to confirm that she is financially and socially capable of caring for the child.

This court is of the opinion that it is in this child's best interest to be adopted and given a home by the Applicant. The court makes the orders that the applicant shall assume the responsibilities of parent to the child as one born in marriage. The child shall be entitled to inherit from the property of the Applicant and shall not be given up because of any eventualities that might result; like bad behavior.

The court hereby grants adoption of the child to the Applicant F W N. The child shall be known as I W F. Her date of birth shall be 02<sup>nd</sup> July 2009 and the place of birth shall remain Machakos, Kenya. She is presumed to be a citizen of Kenya by birth. The legal guardians of the child shall be C J W N and A J N, (who are sister and brother to the Applicant) should any misfortune occur. The guardian ad litem is hereby discharged. The Registrar General should thereby enter the order of adoption. It is so ordered.

**READ AND DELIVERED IN OPEN COURT AT NAIROBI THIS 20<sup>th</sup> DAY OF JUNE, 2016**

**MARGARET W. MUIGAI**

**JUDGE**

**In the presence of;**

Mr. Mwenda for the Applicant