



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**ADOPTION CAUSE NO. 222 OF 2013 (OS)**  
**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**  
**IN THE MATTER OF ADOPTION OF BABY S M**  
**BY**  
**M W N (APPLICANT)**  
**JUDGMENT**

1. The Applicant M W N is a Kenyan citizen. She is single and has no child of her own. She wishes to adopt the child known as Baby S M, a minor of the female sex through the Originating Summons dated 27<sup>th</sup> September, 2013. The Applicant indicates that she is an Infuser in **[particulars withheld]** Company Limited. She resides at Heritage Estate, Thika.

2. The child who is the subject of this adoption was found having been abandoned at infancy at kwa Nganga area in Kawangware on 19<sup>th</sup> October, 2010 by a Good Samaritan of the name of J O. The matter was reported to Riruta Police Station, via OB No. 18/20/10/2010. She was later referred to Abandoned Baby Centre, where she was admitted on 20<sup>th</sup> October, 2010 for care and protection. On 11<sup>th</sup> March 2011 the Senior Resident Magistrate court at Nairobi committed the child to the same home vide P&C Case No. 70/2011. A letter from Riruta Police Station dated 19<sup>th</sup> July, 2011 asserts that the biological parents of the child were not traced nor did anyone come forward to claim the child.

3. On 12<sup>th</sup> September, 2011 the child was discharged from Dagoretti Children's Centre and placed in the care of the Applicant with a view to adoption. The Applicant also signed a Foster Care Agreement dated the same day. Since then the child has been in the continuous custody and care of the Applicant.

4. Prior to the hearing of the adoption application, Kenyan to Kenyan Peace Initiative, an adoption society prepared and filed a report in court. They also issued a certificate No. **[particulars withheld]** dated 31<sup>st</sup> August, 2011 declaring the child free for adoption. The guardian ad litem, Mr. K I N filed a report dated 31<sup>st</sup> October, 2014 which was favourable and recommended the adoption of the child by the Applicant.

5. The Director of Children's Services has also made home visits and established that the Applicant is financially and emotionally capable of providing for the up keep and education of the child. She filed a report dated 25<sup>th</sup> June, 2014 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant as opposed to living all her life in an

institution.

6. The child was in court during the hearing and appeared to have bonded well with the Applicant. She was jovial and clearly seemed to trust the Applicant. She regarded her as her parent. The Applicant's family members are aware of the proposed adoption and support it.

7. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicant and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicant. The Applicant being aged 45 years old, she is older than the child by more than 21 years as required by the law.

8. That being the matrix of this matter, I find that the Originating Summons dated 27<sup>th</sup> September, 2013 is meritorious and allow the prayers sought with the following orders:

- i. The Applicant, M W N is hereby allowed to adopt **Baby S M** who shall henceforth be known as **S W W**.
- ii. Her date of birth shall be presumed to be 19<sup>th</sup> October, 2010. She is presumed to have been born in Kenya and the place of birth shall be Nairobi.
- iii. N K and C W (brother and sister-in-law to the Applicant) respectively, are hereby appointed legal guardians of the child in the event that the Applicant dies or is incapacitated by ill-health.
- iv. I direct the Registrar General to enter this order in the Adoption Register.
- v. The Director of Immigration is hereby authorised to issue the child with a Kenyan passport.
- vi. The guardian ad litem is hereby discharged.

It is so ordered.

**SIGNED DATED** and **DELIVERED** in open court this **16<sup>th</sup> day of June 2016**.

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**L. A. ACHODE**

**JUDGE**