



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF V KENYA AT NYERI**  
**ADOPTION CAUSE NO. 11 OF 2015 (O.S.)**  
**IN THE MATTER OF BABY P J W N ALIAS BABY N (CHILD)**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY**  
**M/S T N M**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**JUDGEMENT**

**T N M** has in her originating summons dated 2<sup>nd</sup> February 2015 applied to this court under the provisions of the Children's Act for authority to adopt the child known as baby **P J W** alias **Baby N** (herein after referred to as the child).

The originating summons is grounded on the annexed statement, consent to act as a *Guardian ad litem*, affidavit in support of application for adoption order, report of the *Guardian ad litem* annexed thereto among other supporting documents attached thereto. The applicant has also filed a detailed statement in support of her application for adoption, and guardians consent and a verifying affidavit.

Briefly, the applicant states that she applied to adopt a child with Child Welfare Society of Kenya and her application was approved, that the child was received into her care and custody on 22<sup>nd</sup> February 2014 and has since then been continuously in her care and that the mandatory fostering period has since lapsed. A copy of the foster agreement has been annexed. The applicant also stated that she has filed in court all the relevant documents.

A report prepared by the Child Welfare Society of Kenya details that the child was born out of an incestuous relationship and the baby was labelled as a 'taboo', and the parents signed a consent giving up the baby for adoption. The report states that after birth, the child was placed at Springs of Life Children's Home for temporary care and protection under section 119 (1) (a) of the Children's Act, 2001, that the Children's court at the Magistrates Court at Vihiga on 26<sup>th</sup> September 2013 under protection and care case no. 11 of 2013 committed the child to the said facility for temporary safety. The said report declared the child free for adoption and issued a certificate to that effect dated 20<sup>th</sup> August 2014. There are consents signed by both the child's biological parents each dated 10<sup>th</sup> December 2013.

The applicants avers that she was 40 years as at the date of filing these proceedings and that she is unmarried. The social inquiry report concludes that the applicant is suitable to adopt a child under section **177 (7) (b)** of the Children's Act and recommends the adoption. The Children's Officer, Nyeri Central in his report recommended the adoption and stated that his office has no objection to the adoption. There is

also a recommendation by Rev N W G.

I have carefully perused all the reports in the application and I am satisfied that the proposed adoption is in the best interest of the child who will grow up with a mother figure in her life and will be accorded parental love. I am satisfied that the child will benefit from the parenthood of the applicant and will have a better future and prospects of becoming a useful member of the society.

As the biological parents granted their consent, I am satisfied that the provisions of the Children's Act have been complied with. I allow the application and make the following orders:-

1. The applicant **T N M** is hereby authorized to adopt the child known as **P Joan W N** alias **Baby N**.
2. The child shall henceforth be known as **P J W N**.
3. That the legal guardians of the child shall be **N W G** and **P K W** (who shall step in the shoes of the applicant in the unfortunate event that the applicant is unable to shoulder her parental responsibility).
4. The Registrar General shall make an entry of this adoption in the Adopted Children Register in the prescribed form.
5. For avoidance of doubt, it is herein declared that all rights, duties, obligations and liabilities of the biological parents or guardians of the child are extinguished and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopting parent, namely, **T N M** as if the said child were her biological child the child shall have the right to inherit the applicant.

Orders accordingly

Signed, Delivered and Dated at Nyeri this 26<sup>th</sup> day of September 2016.

**John M. Mativo**

**Judge**