



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 4 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY K Z**

**JUDGEMENT**

1. The applicant, A W K, is a Kenyan citizen. She is a widow. She seeks to adopt Baby K Z. Her Originating Summons is dated 18<sup>th</sup> December 2014.

2. The child in question was found abandoned in a bush at Githwariga within Nyeri Municipality and rescued by Good Samaritans on 4<sup>th</sup> January 2014. She was taken to the Nyeri Provincial Hospital, and a report was made to the Nyeri Police Station the same day. The child was then admitted at the New Life Home, for care and protection. She was eventually formally committed to that institution by the Nyeri Children's Court. The police were unable to trace her biological parents. She is estimated to have been born on 4<sup>th</sup> January 2014.

3. child was freed for adoption by the Little Angels Network adoption society by their certificate number 001494 of 30<sup>th</sup> July 2014. The child was placed with the applicant on 14<sup>th</sup> August 2014.

4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem* S O O. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 29<sup>th</sup> September 2015, while that of the guardian *ad litem* is dated 16<sup>th</sup> February 2015. The report by the Little Angels Network is dated 28<sup>th</sup> May, 2014.

5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with her and she considers her to be her mother.

6. However, the pleadings do not rhyme with some of the initial papers relating to the child. The police letters referring the child to the children's home, dated 30<sup>th</sup> January 2014 and 7<sup>th</sup> July 2014, refer to a child called Lucky Wanjira, and so does the letter of the Children's Officer dated 7<sup>th</sup> July 2014. When the child was examined at Nyeri Provincial General Hospital her name was recorded as L W. The child that the Children's Court committed to the New Life Home was named L W. The application before me does not make any connection between Baby K and Baby L W. The pleadings make no reference whatsoever to L W or L W. There is no knowing whether the two are related.

7. I find no basis for granting the orders sought and I shall therefore dismiss the suit.

**DATED, SIGNED and DELIVERED at NAIROBI this 25<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**W. MUSYOKA**

**JUDGE**