



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 302 OF 2014 (OS)**  
**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**  
**IN THE MATTER OF ADOPTION OF BABY M W (Minor)**

**BY**

**G N G (APPLICANT)**

**JUDGMENT**

1. The Applicant G N G is a Kenyan citizen. She is single and has no child of her own. She wishes to adopt the child known as Baby M W, a minor of the female sex through the Originating Summons dated 24<sup>th</sup> November 2014. The Applicant indicates that she is a self-employed Consultant in media and internet Governance. She resides at South C, Nairobi.
2. The child who is the subject of this adoption was abandoned at Nakuru town together with her brother B K aged five years on 3<sup>rd</sup> May 2013. She was estimated to have been 1½ years at the time. The matter was reported to the Central Police Station, Nakuru via OB No. [particulars withheld]. On the same day the baby was admitted at the Africa Gospel Church Baby Centre. On 22<sup>nd</sup> November 2013 the Resident Magistrate court at Nakuru, committed the baby to the same home vide P&C No. [particulars withheld] for a period of three years.
3. On 31<sup>st</sup> March 2014 the child was discharged from Africa Gospel Church Baby Centre and placed in the care of the Applicant with a view to adoption. The Applicant also signed a Foster Care Agreement dated 31<sup>st</sup> March, 2014. Since then the child has been in the continuous custody and care of the Applicant.
4. Prior to the hearing of the adoption application, Kenya Children's Home, an adoption society prepared and filed a report in court. They also issued a certificate No. [particulars withheld] dated 12<sup>th</sup> February 2014 declaring the child free for adoption. The guardian ad litem, M/s. C W N filed a report which was favourable and recommended the adoption of the child by the Applicant. This she said would enable the child to grow up in a family setting and also enable her to attain a full harmonious development of her personality.
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. He filed a report dated 3<sup>rd</sup> August 2015 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 Director pointed out that there was need for a further tracing of the whereabouts of the parents of the child in this matter together with her brother since the society has only relied on two letters from the police to state that no one had gone to claim the child. The Adoption Society subsequently filed an addendum in support of the proposed adoption stating that a photograph of the proposed adopting family together with the child was published under the Children's Home's calendar for year 2015 and distributed across the country thus making to the public the children for any possible identification. To date no one has come forward to lay claim on the children.
7. The child was in court during the hearing and appeared to have bonded well with the Applicant. She was jovial and clearly considered the Applicant as her parent. The Applicant's family support the adoption.
8. 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 47 years old, she is older than the child by more than 21 years as required by the law.
9. In the premise I allow the prayers sought in the Originating Summons dated 24<sup>th</sup> November 2014 and order as follows:
  - i. The Applicant, G N G is hereby allowed to adopt baby **M W** who shall henceforth be known as **S N G**.
  - ii. Her date of birth shall be presumed to be 3<sup>rd</sup> December 2011. She is presumed to have been born in Kenya and the place of birth shall be Nakuru.
  - iii. G N G (sister to the Applicant), is hereby appointed legal guardian 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 **30<sup>th</sup>** day of **October, 2015**.

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**L. A. ACHODE**

**JUDGE**