



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 164 OF 2009**  
**IN THE MATTER OF THE CHILDREN ACT**  
**AND**  
**IN THE MATTER OF BABY B.Z. AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**M W M**

**JUDGMENT**

1. On 18<sup>th</sup> November 2009 the applicant M W M filed originating summons seeking to be authorised to adopt Baby B.Z.
2. Baby B.Z. is a female child who was found abandoned by the roadside of Ngotho road in Riruta Satellite in Nairobi on 5<sup>th</sup> June 2006. She was taken to Riruta Police Station and thereafter taken to Kenyatta National Hospital for medical attention and care. The Provincial Children's Office in Nairobi was contacted and on 30<sup>th</sup> August 2006 had the child placed into the care of Nyumbani Children's Home where it was formally committed on 20<sup>th</sup> December 2006 by order of the Children's Court at Nairobi. Police efforts to trace the child's family were unsuccessful. On 30<sup>th</sup> March 2007 she was placed with the applicant for mandatory bonding period prior to adoption. She was then about seven months old.
3. On 9<sup>th</sup> December 2009 Little Angels Network vide Certificate No. *[Particulars withheld]* declared the child free for adoption.
4. The Director of Children Services, Little Angels Network and the guardian *ad litem* S O each filed a report recommending the applicant as a suitable adoptive parent. The reports indicate that the applicant is socially and economically capable of taking care of and catering for the child. Bonding was observed to have taken place between the child, the applicant and other children in the family. As between the applicant and the child there is enjoyed a mother-daughter relationship. The applicant is aware of the child's inheritance rights once adopted and undertakes that the child will inherit her property just like any of her children. The applicant knows that once adopted, the child will have equal rights with her two biological children. In the opinion of the court, it would be in best interest of the child to be adopted by the applicant. She stands to benefit from family love, care and provision. This adoption is permanent as the child cannot be given up owing to any change circumstances.
5. I am satisfied that all the requirements under the **Children Act** regarding local adoption have been

met. The following orders are therefore granted:-

- a. the applicant M W M shall adopt Baby B.Z.;
- b. Baby B.Z shall henceforth be known as H W M;
- c. the child shall be presumed Kenyan as she was found abandoned in Rituta in Nairobi in Nairobi Kenya;
- d. the child's date of birth shall be 5<sup>th</sup> June 2006;
- e. the Registrar General shall enter this adoption into the Adoption Register and the child shall be provided with a birth certificate;
- f. J W M is hereby appointed the legal guardian of the child in case anything happens to the applicant making it impossible for her to discharge her parental obligations; and
- g. the guardian *ad litem* is hereby discharged.

**DATED and DELIVERED at NAIROBI this 1<sup>st</sup> day of August 2014.**

**A.O. MUCHELULE**

**JUDGE**