



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 216 OF 2014 (OS)**  
**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**  
**IN THE MATTER OF ADOPTION OF V M M**  
**BY**  
**M W G (APPLICANT)**  
**JUDGMENT**

This is a kinship adoption and the Applicant M W G herein is a Kenyan Citizen. She is a married mother of one child, T C N aged six years old through a previous marriage. She wishes to adopt the child known as V M M a minor of female sex through the Originating Summons dated 18<sup>th</sup> September 2014. The Applicant indicates she is a business lady. She resides at Thindigua in Kiambu. The Applicant has since re-married to one A L C, a British National on 25<sup>th</sup> August 2012, who lives in the United Kingdom.

The child in this matter is said to have been born on 29<sup>th</sup> March 2005 by G W and G M M who later separated in 2006. The biological mother of the child stayed with the child for a while and then returned and abandoned her at her father's shop in Kiambu in his absence. The child's father requested the Applicant who was his girlfriend then, to take care of his daughter. The Applicant agreed to care for the child who was two years then, as they were cohabiting together. Both G W and G M M the biological parents of the child swore affidavits dated 19<sup>th</sup> November 2012 and 10<sup>th</sup> October 2012 respectively in which they gave consent to the Applicant to continue with the upbringing and to travel with her whenever it is required to do so.

Prior to the hearing of the adoption application, Little Angels Network an adoption society prepared and filed a report in court. They also issued a certificate No. 001546 dated 29<sup>th</sup> October 2014 declaring the child free for adoption. The Director of Children's Services also filed a report dated 17<sup>th</sup> November 2014 as did the guardian ad litem, M/s. H M. Both reports were favourable and recommended the adoption of the child by the Applicant.

This is a local adoption and from the record the Applicant has fulfilled all legal requirements relating to the adoption of the child.

The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the applicant is financially and emotionally capable of providing for the up keep and education of the child. The child was in court during the hearing and appeared to have bonded well with the Applicant. She seemed to consider her as her parent.

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 application is therefore allowed.

I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

That the Applicant Mary Wanjiku Gaturu is hereby allowed to adopt **V M M**. She shall henceforth be known as **E V M M**

- a. C W N, niece to the Applicant is hereby appointed legal guardian of the child in the event of the Applicant's death before the child reaches the age of majority.
- b. That he said child shall be presumed to be Kenyan by birth as she was found abandoned within Kenya.
- c. That the Registrar-General is hereby directed to enter this adoption order in the adoption register;
- d. That the guardian ad litem is hereby discharged.

It is so ordered.

**SIGNED DATED and DELIVERED** in open court this **20<sup>th</sup> day of November 2014.**

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**L. A. ACHODE**

**JUDGE**