



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 272 Of 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY S W also known as J W**

**JUDGEMENT**

1. E M K is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby S W also known as J W. Her Originating Summons is dated 8<sup>th</sup> November 2013.
2. Baby S W also known as J W was born on 9<sup>th</sup> February 2009 at the Thika District Hospital. The child was born prematurely and the birth mother abandoned him at the hospital immediately thereafter. A report of the matter was made at the Thika Police Station on 1<sup>st</sup> April 2009. The child was referred to the New Life Home Trust Children's Home at Nairobi on 13<sup>th</sup> May 2009. He was later committed to the institution by the Children Court. Her biological parents were never found. He was placed with the applicant, for the mandatory bonding period on 4<sup>th</sup> May 2012.
3. This background is set out in the statement in support of the application as well as the affidavit of the applicant verifying the statement, and in the documents prepared and filed in court by the Little Angels Network adoption society
4. He was freed for adoption by the Little Angels Network by their declaration dated 17<sup>th</sup> November 2009.
5. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, A M K. These three have compiled and filed their reports in court, dated 4<sup>th</sup> April 2012, 3<sup>rd</sup> September 2014 and 7<sup>th</sup> October 2014, respectively. The report by Little Angels Network is dated.
6. All these reports are favourable and recommend the proposed adoption. The applicant has filed documents that demonstrate that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicant and he considers his to be his

parent. I note that the applicant has another child she is raising.

7. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parents in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

8. I note that the applicant is a sole female seeking to adopt a male child. However, I note too that the applicant has a biological daughter. This is a special circumstance that qualifies the applicant to adopt a male child, even as a sole male.

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

- a) That the court allows the applicant's application to adopt the child Baby S W also known as J W;
- b) That the consent of the biological parents of the child is hereby dispensed with;
- c) The said child shall hereafter be known as M S K;
- d) That A K M is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
- e) That the Registrar-General is directed to enter this adoption order in the adoption register;
- f) That the guardian *ad litem* is hereby accordingly discharged; and
- g) That the child is Kenyan by birth as he was born to a known Kenyan mother.

**DATED, SIGNED and DELIVERED at NAIROBI this 19<sup>th</sup> DAY OF December 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Miss. Mwaura advocate for the applicants.**