



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 172 of 2012 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY C I also known as C W [minor]**

**JUDGEMENT**

The applicants, D K W and A W N, are a married Kenyan couple. Their Originating Summons is dated 6<sup>th</sup> August 2012, where they seek authority to adopt a female child known for the purpose of these proceedings as Baby C I also known as C W [minor].

The record placed before shows that the child the subject of these adoption proceedings was abandoned immediately by her mother who dumped her in a dustbin in Embakasi Nairobi. A report of the finding of the child was made at the Embakasi Police Station by good Samaritans on 11<sup>th</sup> February 2008. She was taken to Kenyatta National Hospital. Her biological mother was later found and prosecuted. She later consented to the child being adopted, and has relinquished the child for that purpose. The police referred the child to the Imani Children's Home, where she was later to be formally committed by the Children's Court. It was estimated that she was about one day old at the time. Her date of birth has since been treated as 10<sup>th</sup> February 2008. She was placed with the applicants on 24<sup>th</sup> August 2008 and has been with them to date. She was freed for adoption by the Child Welfare Society of Kenya adoption society by their certificate of 22<sup>nd</sup> December 2011.

To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, G. T. C. These two have compiled and filed their reports in court, dated 15<sup>th</sup> March 2013 and 22<sup>nd</sup> April 2013, respectively. There is also a report by the Child Welfare Society of Kenya dated 11<sup>th</sup> December 2011. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with them and she considers them to be her parents.

In the opinion of this court it would be in the best interests of the child that she is adopted by the applicants. The applicants 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 applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if she was born to them. The applicants have 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 their property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

I am satisfied that all the legal requirements have been met. I will allow the applicants' application to adopt the child. The applicants, D K W and A W N, are hereby allowed to adopt the child, Baby C I also known as C W [minor]. She shall hereafter be known as V W K [minor]. I hereby appoint M K W the legal guardian of the child in the event of misfortune befalling the applicants. The Registrar-General is

directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 26th DAY OF September, 2013.**

**W.M. MUSYOKA**

**JUDGE**