



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

**Adoption Cause 39 of 2009
IN THE MATTER OF BABY FW (MINOR)**

J U D G M E N T

Before me is an Originating Summons dated 13th March, 2009 filed by F.N. Mungai & Company advocates on behalf of the applicants named as **SKN and EMN**. The application was filed under section 156, 157, 158, 160, 178 to 182 of the Children Act No. 8 of 2001, and section 22 of the Interpretation and General Provisions Act (Cap. 2 Law of Kenya). It is an application for the adoption of a child named as **BABY FW**.

The first prayer in the application has been spent.

The remaining prayers are as follows-

1. **(Spent)**
2. **THAT** the applicants be authorized to adopt **BABY FW**.
3. **THAT** the consent of the minor's natural parents be dispensed with.
4. **THAT** upon adoption the baby herein be referred to as **JLWK**.
5. Any other order the court may deem fit and just under the circumstances.

The application was filed with a **STATEMENT IN SUPPORT OF ADOPTION ORDER**. Several documents were filed with the **STATEMENT**.

On the 12th June, 2009 a guardian ad litem **MARY WANGARI MURATHE** was appointed. The guardian ad litem and the Director of Children Services filed their reports on 30th October, 2009 and 26th November, 2009 respectively.

On the hearing date, the applicants' counsel addressed me. Aveline Karuku from Little Angels Network Adoption Society as well as guardian ad litem and Ms. Yugo for the Director of Children Services also addressed me.

The applicants are Kenya citizens, resident in Kenya. They are a married couple. The male applicant is a businessman, while the female applicant is employed by the City Council of Nairobi. They have not been able to get children of their own. They have of their own volition opted to adopt this child.

The child was born on 9th March, 2007, and was found abandoned at the Ministry of Public Works offices in Nyeri. A report was made to the police. Nobody has come up to claim the child. The child was placed with the applicants on 10th October, 2007. The child was

declared free for adoption by Little Angels Network, an adoption society.

I have considered the facts and evidence placed before me. This is a case of a local adoption. All the reports filed, including that from the Director of Children Services recommend the adoption. I concur with the reports that the adoption will be in the best interests of the child. It will give this otherwise abandoned child an opportunity to grow up in a family with love and care, and guidance. I will allow the application.

Consequently, I allow the application and order as follows-

1. *The applicants be and are hereby authorized to adopt BABY FAITH WAMBUI, who upon this adoption will be known as JACQUELINE LEAH WAMBUI KAMANDE.*
2. *The consent of the biological parents is hereby dispensed with.*
3. *I direct the Registrar General to enter this adoption in the adopted children register.*

It is so ordered.

Dated and delivered at Nairobi this 19th day of February, 2010.

George Dulu
Judge.

In the presence of-

Mrs. Mungai for applicants

David Mitisya court clerk,