



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

**Adoption Cause 163 of 2008**

**IN THE MATTER OF ADOPTION OF W A A.K.A. R W – A CHILD**

**JUDGMENT**

The Applicant is a Single female of Kenyan origin. She does not have any biological children and has not been married.

She works as a Pension Consultant with Shell South Africa Energy (PTY) Limited earning very comfortable salary. She lives in a three bed-roomed [*Particulars withheld*].

She professes Christian religion and intends to inculcate the same faith to the child.

She has shown that she is physically and mentally in good health. She has a clean record from the authority.

Her sister A W K has consented to be the child's legal guardian if the final order of adoption is made.

Her antecedents have been specified in the reports of the Director of Children Services and that of KKPI Adoption Society (a licensed Adoption Society) which are filed before the court. She has had a normal upbringing and very good educational and professional career.

The reason for her to make an application for adoption is that she never had any children and wants to fill the emotional gap and to look after a needy child by giving her love, warmth and a home.

I must admit that I do not find any reason to question the ability and capacity of the Applicant to look after the child. I find her very warm and cheerful person.

So far as the child on hand is concerned, it is a repetition of a tragic beginning of an innocent life. She was abandoned by her biological mother on birth at Thika District Hospital. The matter was reported to the Thika Police Station vide O.B No.36112/11/07 and she was referred to New Life Home Trust. She was committed to the said Home by Thika Children Magistrate on 17<sup>th</sup> December, 2007 vide P&C.No.132/07. The Thika Police Station vide its letter of 15<sup>th</sup> May, 2008 once again confirmed that they have exhausted their investigations in tracing the relative. It is tragic to note that the said letter covered two children the child before the court and one other child, whose name I may not disclose herein.

On court's direction the Medical Superintendent of Thika District Hospital under her letter of 13<sup>th</sup> July, 2009 stated that there was no documentation or details of parents of Baby as she was abandoned at a post natal check up by an unknown person. Due to lack of any further evidence or witness the Police could not do much.

The child was placed under the care of the Applicant on 7<sup>th</sup> February, 2008 through duly signed foster care.

The Home has undertaken all the inquiries before the Foster Care Agreement was signed.

The sister to the Applicant A W K of ID. No. *[Particulars withheld]* and of P.O. Box *[Particulars withheld]* Nairobi has agreed to be the legal guardian of the child if Adoption order shall be granted by the court.

The child is declared free for adoption by the certificate dated 19<sup>th</sup> May, 2008 by KKPI Adoption Society.

The reports from the said Adoption Society and from Director of Social Services dated 4<sup>th</sup> February, 2009 and 28<sup>th</sup> April, 2009 respectively have specified all the details of their assessments and have recommended the adoption which according to them, would be in best interest of the child.

Guardian ad litem Wambui Danner in her report dated 28<sup>th</sup> February, 2009 has also stated that there are no adverse circumstances discernible within the Applicant's families, character of lifestyle that would be detrimental to the infant.

I have considered carefully all the circumstances and facts of the case, and I find that the Applicant has fulfilled all the requirements to be a capable applicant to adopt a female child.

She has satisfied the court that the child shall be in very good hands of a capable and loving person as an adoptive mother. It is in the best interest to grant her permission to adopt the child and I do hereby grant the order. The child shall be known as ZN whose birth date shall be 30<sup>th</sup> October, 2007.

AWK holder of ID.No *[Particulars withheld]* shall be appointed as child's legal guardian.

I direct the Registrar General to enter these orders in the Adoption Register.

In conclusion I discharge the Guardian ad litem.

**Dated, Signed and Delivered** at Nairobi this 31<sup>st</sup> day of July, 2009.

**K.H. RAWAL**

**JUDGE**

**31.7.09**