



**In re EA (Infant) (Adoption Cause 87 of 2004)  
[2004] KEHC 971 (KLR) (Family) (3 December 2004) (Judgment)**

*A v C [2004] eKLR*

Neutral citation: [2004] KEHC 971 (KLR)

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

**FAMILY**

**ADOPTION CAUSE 87 OF 2004**

**MK KOOME, J**

**DECEMBER 3, 2004**

**IN THE MATTER OF**

**JWC ..... APPLICANT**

**JUDGMENT**

1. The applicant in this adoption matter is a single female applicant aged 37 years old. She has sought for an order of adoption of the infant in this case a girl child born on 11th January 2002 and aged about 1½ years of age.
2. The infant was found abandoned at Kinoo market within Kiambu District when she was placed at the Abandoned Baby Centre Dagoretti by the Kikuyu Police Station. The child was eventually placed under the applicant's care on 31st July 2003 and she has been under her continuous care.
3. An evaluation report regarding the suitability of the applicant as an adoptive parent has been carried out by the Director of Children's Services. The Guardian Ad Litem and the Child Welfare Society has duly issued a declaration under Section 156(1) of the Children Act 2001 freeing the child for adoption.
4. The reports have recommended the applicant as a suitable parent. The applicant is a single female Kenyan and works as a secretary. She earns a moderate but steady income and supplements her monthly salary with income from a small retail shop. She also owns a plot of land within Ruiru and has invested in Cooperative Shares. The applicant has no biological children of her own, she is single after a failed trial marriage of six years between 1996 to 2001. This relationship ended when no children were forthcoming despite the applicants exposure to medical intervention including an operation. The applicant has therefore opted for an adoption so that she can share the fruits of her labour with a child she can refer to as her own and also have a child like people of her age.



5. This is a positive attitude is shared by the larger members of the applicant's family. The applicant has a modest staff quarters that she shares with the infant. The applicant fully understands that the order of Adoption is final and the legal and social responsibility shall vest upon her.
6. The infant is reported to have bonded very well with the applicant and neighbours children who are her playmates and age mates. The child is well taken care of, she is extremely confident and well adjusted to her new home and mother.
7. I have given due consideration to all the reports filed herein and all the matters that I should consider under part XII of the *Children Act* 2001, and I am satisfied that the applicant has fulfilled all the conditions set out under the Act and qualifies to be granted the orders as an adoptive parent.
8. I am also satisfied that the order of adoption shall promote the best interest of the infant. The child was abandoned and I therefore dispense with the consent of the biological parents who cannot be traced.
9. Accordingly I grant the prayers and authorize the applicant to adopt the infant who shall henceforth be known as E. W. W.

It is so ordered.

**JUDGMENT READ AND SIGNED ON 3RD DECEMBER 2004.**

**MARTHA KOOME**

**JUDGE**

