



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 22 OF 2019**  
**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2011**  
**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A BABY KN**

**BY**

**EWK (APPLICANT)**

**JUDGMENT**

1. The Applicant EWK is a spinster and has one child. She wishes to adopt the female child known as KN through the summons dated 11<sup>th</sup> March, 2019. The pleadings, indicate that the applicant is a Teacher employed by the Teachers Service Commission. She resides in Thika within Kiambu County and professes the Christian faith.
2. From the records before Court the minor is presumed to have been born on 23<sup>rd</sup> April, 2014 as evinced by the birth Certificate serial number [....]. She was reported to have been abandoned on 23<sup>rd</sup> April, 2016 at Kangemi Market where she was rescued by a Good Samaritan. The matter was reported to Kabete Police Station where it was booked as OB No. xx/xx/x/2016. She was temporarily admitted at Nest Children's home for care and protection.
3. On 11<sup>th</sup> July, 2016 the Senior Resident Magistrate sitting in Nairobi committed the child vide P & C 144 of 2016 to Nest Children Home. On 27<sup>th</sup> October, 2016 the OCS Kabete Police Station issued a final letter in which they confirmed that the biological parents of the child were not traced, nor did anyone come forward to claim the child. On 14<sup>th</sup> November, 2016 the Applicant took the child for purposes of foster care with a view of adopting her. A foster care agreement was signed on 14<sup>th</sup> November, 2016.
4. Prior to the hearing of the adoption application, Little Angels Network prepared and filed a report dated 28<sup>th</sup> October, 2016. They also issued a Certificate Serial No. number [....] dated 28<sup>th</sup> October, 2016 declaring the child free for adoption. The guardian ad litem JWN filed a report dated 13<sup>th</sup> September, 2019 which was favourable and recommended the adoption of the child by the Applicant.
5. An officer from the office of the Director of Children Services conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child. She filed a report dated 12<sup>th</sup> September, 2019 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant, being raised with a sibling and that the Applicant has fulfilled the statutory requirements.
6. This is a local adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child was abandoned at infancy and the parents could not be traced to give the consent. The child who is now 7 years old was present virtually in court during the hearing and appeared to have bonded well with the Applicant.
7. I have examined the evidence herein against the litmus test of the best interest of the child as required in **Article 53 (2)** of the Constitution and **Section 4 (2) & (3)** of the Children's Act. Consequently my considered view is that it is in the best interest of the child to be adopted by the Applicant. Reasons wherefore, I allow the prayers sought in the amended Originating Summons dated 11<sup>th</sup> March, 2019 and Order as follows:

i The Applicant EWK be and is hereby allowed to adopt **Baby KN** (minor), who shall henceforth be known as **KW**.

ii. Her date of birth is 23<sup>rd</sup> April, 2014 and her place of birth is Kangemi as reflected in the birth Certificate serial number number

[...].

**iii.** RWK and JTM are hereby appointed as the legal guardians in the event that the Applicant dies, or is incapacitated by ill health.

**iv.** The Registrar General is directed to enter this Order in the Adopted Children's Register.

**v.** The Director of Immigration is hereby authorised to issue the child with a Kenyan Passport.

**vi.** The guardian ad litem is hereby discharged.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 6<sup>TH</sup> DAY OF MAY, 2021.**

.....

**L. A. ACHODE**

**HIGH COURT JUDGE**

**In the presence of .....Advocate for the Applicant**