



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. E067 OF 2021(OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF CHILD DK

IN THE MATTER OF AN APPLICATION FOR ADOPTIONBY

PMW.....1ST APPLICANT

JMW.....2ND APPLICANT

JUDGMENT

1. The applicants PMW and JMW are a Kenyan couple aged 35 years and 32 years, respectively. The 1st applicant is a mechanical technician at [Particulars withheld] Ltd while the 2nd applicant is a business woman. The applicants solemnized their marriage on 2nd May, 2015 under the certificate of marriage number 121120. The Couple does not have any children. On 18th June, 2021 they filed this originating summons dated 15th June 2021 seeking to adopt Child DK.

2. Child DK is estimated to have been born on the 21st May 2018. The child was found abandoned on the 28th May 2018 at around 11.00am at Great Gospel Visioner's Church in Meru Town by a cleaner. The cleaner informed Pastor Veronica Wanjiru who reported the matter to Meru Police Station vide OB No. xx/xx/x/2018. The child was temporarily placed at Ripples International New Start Centre by the Meru Sub County Children's Office on the same date. He was formally committed to the Centre by the Meru Children Court in **Protection and Care Case No. 19 of 2019** on the 3rd April 2019. Police efforts to trace the mother or relatives of the child were not successful. On 27th April 2019 the child was declared free for adoption and Certificate No. 0029 issued by Adoption Centre. The applicants have been with the child since the 3rd July 2020 when the child was placed with them for foster care.

3. On 24th June 2021 the court appointed EKM as the guardian *ad litem* and ordered him and the Director of Children Services to separately carry out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed. Both recommended the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with them.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the mother of the child is hereby dispensed with as she was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicants PMW and JMW are hereby allowed to adopt Child DK.;

b) Child DK shall henceforth be known as ENM;

c) the child's date of birth shall be 21st May 2018, and shall be presumed Kenyan citizen having been found abandoned in Meru

Town, Meru County, in Kenya;

d) JKW is hereby appointed as the child's legal guardian in the event of the death or incapacity of the applicants before she is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

DATED AND DELIVERED NAIROBI THIS 11TH DAY OF NOVEMBER 2021.

A.O. MUCHELULE

JUDGE