



**In re Baby AA aka AA aka Abandoned Child (Adoption Cause
3 of 2020) [2021] KEHC 548 (KLR) (9 December 2021) (Ruling)**

In re AA (Baby) [2021] eKLR

Neutral citation: [2021] KEHC 548 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
ADOPTION CAUSE 3 OF 2020**

JN NJAGI, J

DECEMBER 9, 2021

IN THE MATTER OF

JWGN APPLICANT

RULING

1. The applicant has filed an application dated 24th August 2020 seeking for orders:
 - (1) That the applicant be authorized to adopt Baby AAa.k.a AA a.k.a AA a.k.a Abandoned child
 - (2) That the honourable court do dispense with the consent of the mother who abandoned the child by the roadside in Nanyuki.
 - (3) ANNbe appointed as the legal guardian of Baby AAa.k.a AA a.k.a Abandoned child.
 - (4) That the Registrar-General do make an entry in the Adoption Register in the prescribed form.
2. The background to the application is that the subject child was abandoned by its mother along a road in Nanyuki town and was committed to Nanyuki Children's Home on 23/12/2013. That on 23/4/2018 the child was placed under the foster care of the applicant by the Child Welfare Society of Kenya while aged about 5 years. Since then the child has been under the continuous care and custody of the applicant. That the consent of the mother to the child cannot be obtained as it was a matter involving an abandoned child.
3. The following documents were filed in support of the application:
 - (1) Supporting affidavit of the applicant.
 - (2) OB report from the police on abandonment of the child.
 - (3) Court Order for the commitment of the child to Nanyuki Children's Home.



- (4) Agreement with Child Welfare Society of Kenya placing the child under the applicant's foster care.
 - (5) Report from the Child Welfare Society of Kenya declaring a child available for adoption
 - (6) Certificate from Child Welfare Society of Kenya declaring a child free for adoption.
 - (7) Consent of EWK to be appointed guardian ad litem to the child.
 - (8) Copies of payslips for the applicant for the months of May and July 2020.
 - (9) Report of County Co-ordinator Children Services, Nyeri.
4. Both reports of the Child Welfare Society of Kenya and the County Co-ordinator Children Services Nyeri recommend for the subject child to be adopted by the applicant. From the reports and documents filed there is not doubt that the applicant is a fit person to adopt the subject child. The applicant has had the custody and care of the child for the last 3 years. She has the financial capability to meet the needs of the child. In view of the above, the application for adoption is allowed. The court thereby makes the following orders:
- (1) The court does hereby make an adoption order for JWGN to adopt Baby AAa.k.a AA a.k.a Abandoned Child.
 - (2) That the court does hereby make an order to dispense with the consent of the mother to the subject child herein.
 - (3) That ANN be and is hereby appointed as the legal guardian of Baby AAa.k.a AA a.k.a Abandoned Child.
 - (4) That upon the said adoption, Baby AA, a.k.a AA a.k.a Abandoned Child shall be named AHNW.
 - (5) That the Registrar-General do make an entry in the Adoption Register in the prescribed form.
- Orders accordingly.

DELIVERED, DATED AND SIGNED AT NYERI THIS 9TH OF DECEMBER, 2021.

JESSE. N. NYAGA

JUDGE

