



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 67 OF 2019 (OS)**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY T.**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**JWW .....APPLICANT**

**JUDGMENT**

1. The applicant JWW is a single woman aged 42 years and an operations manager with DPO Group. She filed this originating summons on 10<sup>th</sup> May 2019 seeking to be allowed to adopt Baby T.

2. Baby T. is presumed to have been born on 30<sup>th</sup> January 2018. She was found abandoned in Zimmerman Medical Centre. The matter was reported at Kasarani Police Station vide O/B Number [particulars withheld]. The child was placed at Happy Life Children's Home, and formally committed to the Home pursuant to an order made by the Nairobi Children's Court under Protection and Care number [particulars withheld]. Police efforts to trace the parents of the child were not successful. The child was declared free for adoption by Buckner Kenya Adoption Services on 23<sup>rd</sup> November 2018 and placed with the applicant on 2<sup>nd</sup> December 2018 for bonding.

3. The court on 4<sup>th</sup> July 2019 appointed GWK as the guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicant. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her ability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was born to her. She has 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 their property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents as the child 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 applicant JWW is hereby allowed to adopt Baby T.;

b) Baby T. shall henceforth be known as IGW;

c) the child's date of birth shall be 30<sup>th</sup> January 2018, and shall be presumed to be Kenyan by birth having been found at Zimmerman Medical Centre in Nairobi County in Kenya;

d) MKW and EMM are hereby appointed to be the child's legal guardians in the event of 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 SIGNED at NAIROBI this 6<sup>TH</sup> FEBRUARY 2020**

**A.O. MUCHELULE**

**JUDGE**

**DATED and DELIVERED at NAIROBI this 13<sup>TH</sup> FEBRUARY 2020**

**A.N. ONGERI**

**JUDGE**