



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 68 OF 2019 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY S.A aka B
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
JAWWAPPLICANT

JUDGMENT

1. The applicant JAWW is a single Kenyan woman aged 51 years and works with the [particulars withheld] as a program officer. She has never been married and has no child. She filed this originating summons on 10th May 2019 seeking to be allowed to adopt baby SA aka B.
2. Baby SA aka B is presumed to have been born on 27th February 2017. On 10th March 2017 it was found abandoned in Githurai Kimbo by a good samaritan. The matter was reported at Githurai Kimbo Police Station vide OB No. [...]. The child was taken to New Life Home Trust for care and protection. She was formally committed to the Home pursuant to an order made on 19th September 2018 by the Senior Resident Magistrate's Court at Nairobi in Protection and Care Case No. 520 of 2018. Police efforts to trace the mother and relatives for the child did not bear any fruits. The child was declared free for adoption by Buckner Kenya Adoption Services on 23rd November 2018 under certificate serial number [...]. She was placed with the applicant on 19th December 2018 for bonding.
3. The court on 11th July 2019 appointed MMM 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 her 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 parents because the child was 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 JAWW is hereby allowed to adopt Baby SA aka B;
 - b) Baby SA aka B shall henceforth be known as MIWW;
 - c) the child's date of birth shall be 27th February 2017 and shall be presumed to be Kenyan by birth having been found abandoned at Githurai Kimbo in Nairobi County in Kenya;
 - d) Edward JN and AWK 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 DELIVERED at NAIROBI this 6TH FEBRUARY 2020.

A.O. MUCHELULE

JUDGE