



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

ADOPTION CAUSE NO. 2 OF 2019 (OS)

IN THE MATTER OF BABY B alias SWK (CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER BY

EKM & EWW

AND

IN THE MATTER OF THE CHILDREN'S ACT

RULING

1. The application is brought by way of an Originating Summons and is dated the 26th day of July, 2019. The applicant seeks for the following Orders;

(a) That **CKW** be appointed as guardian ad litem herein;

(b) That the applicants **EWW & EKM** be authorized to adopt **BABY B alias SWK**;

(c) That the Honorable Court do dispense with the mother's consent as she had abandoned the child at Mutuini Sub-Location within Nairobi County;

2. The baby who is female was born on the 1st March, 2016 and was abandoned by her biological mother while aged three (3) days old and found at Mutuini Location within Nairobi County; the baby was first taken to Mutuini Police Post where the case of abandonment was reported and booked in OB No.xx/0x/0x/2016; despite efforts to trace the biological mother through advertising of the child's image through media tracing publications in the local dailies but nobody came forward to claim her; therefore the baby remained unclaimed; given these circumstances this court will dispense with the consent of the biological mother;

3. The baby was admitted to the Child Welfare Society Kenya Muranga Rescue Centre, for care and protection whilst awaiting committal; and under the **Protection and Care Case No. 12 of 2017** the Children's Court at Muranga **BABY B aka SWK** was committed to the aforesaid institution for protection and care and on the 30/03/2017 she was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number 0883 was issued by the Child Welfare Society.

4. The Guardian Ad Litem **CKW** was appointed on the **24/09/2019**; and the applicants were visited and interrogated by the Nyeri County Director of Children's Services who then filed a favorable Social Enquiry Report in court on the **19/12/2019** on the applicants' suitability to adopt **BABY B aka SWK**;

5. The contents of the report are summarized as follows; that the applicants were married under Kikuyu Customary law on the 19/04/2013 and are cohabiting to date; at the time of filing this application **EKM** was aged 37 years whereas **EWW** was aged 34 years; and therefore both their ages fall within the prescribed legal parameters; the applicants disclosed that they had no biological children and that they were eagerly awaiting to adopt their first child **BABY B aka SWK**, a daughter;

6. **EKM** works as a medical representative and earns a gross salary of Kshs.105,000/-; and **EWW** is employed by the County Government of [particulars withheld] and earns a salary of Kshs.70,000/-; they annexed their salary slips to demonstrate their financial standing and suitability; and this court is satisfied that these documents demonstrate that the applicants are capable of providing the baby with the necessary care and support;

7. The child has been under the care of the applicants since the 10/04/2017 and upon observing the applicants with the child during the court session this court noted the existence of a strong emotional bonding between the child and the applicants which must have grown since the child was placed under the applicants' care; the child appears to be happy, healthy and well taken care of.

8. The Certificates of Good Conduct are current and valid and this court is satisfied that there are no adverse circumstances discernible from the families of the applicants or any individual characteristics or lifestyle that would be detrimental to the baby;

9. After reading the Report and satisfying myself that all the legal requirements had been adhered this court finds that the applicants have the resources to provide and take care of **BABY B aka SWK**; and that they are suitable persons to adopt **BABY B aka SWK**; and further finds that the order for adoption will be in the best interest of the baby.

DETERMINATION

10. The application for adoption is hereby allowed;

11. The applicants are hereby allowed to adopt **BABY B aka SWKL**; she shall be known as **SWK**.

12. The Registrar General is hereby directed to enter this adoption order in the Adoption Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name **SWK**.

13. The Guardian ad Litem is hereby discharged and is hereby appointed as Legal Guardian until **SWK** attains the age of majority of eighteen (18) years.

Orders Accordingly.

Dated, Signed and Delivered at Nyeri this 6th day of February, 2020.

HON.A.MSHILA

JUDGE