



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 22 OF 2020 (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**  
**AAO.....APPLICANT**

**JUDGMENT**

1. The applicant is a single Kenyan woman aged 46 years who does business. She has a 21-year-old daughter. She filed this originating summons on 27<sup>th</sup> February 2020 seeking to be allowed to adopt baby T.

2. Baby T. is presumed to have been born on 15<sup>th</sup> September 2014. She was found abandoned on 6<sup>th</sup> October 2014 at Kiandutu Health Centre by one Eunice Muriugi Mwangi, a community health worker, who reported the matter at Thika Police Station vide Occurrence Book No. [...]. The child was placed at Macheo's Children Home on 10<sup>th</sup> December 2014 and later committed to the same Home under **Care and Protection Case No. 156 of 2015** on 15<sup>th</sup> July 2015 by the Children's Court, Thika. Police efforts to trace the mother or relatives of the child did not bear any fruits. The child was subsequently declared free for adoption on the 13<sup>th</sup> October 2015 vide Certificate No. [...] by Change Trust Adoption Society. On 27<sup>th</sup> October 2015 the child was placed with the applicant for mandatory bonding before adoption. She has continuously been residing with the applicant since then.

3. The court on 28<sup>th</sup> May 2020 appointed MKK as the guardian *ad litem* and ordered to investigate the suitability of the applicant to adopt the child and to file a report within 45 days. 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. The applicant's daughter has consented to the adoption.

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 AAO is hereby allowed to adopt Child T.;
- b) Child T. shall henceforth be known as AAA;
- c) the child shall be presumed to be Kenyan by birth having been found abandoned at Kiandutu Health Centre in Thika in Kenya;
- d) SDO is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicant 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 8<sup>TH</sup> day of OCTOBER 2020**

**A.O. MUCHELULE**

**JUDGE**