



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 66 OF 2017 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY LM. aka JG

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

AWG.....APPLICANT

JUDGMENT

1. The applicant AWG is a Kenyan woman aged 41. She does business. She got married to one SGR on 20th June 2017. By then she had a daughter who was born on 27th July 2007. She filed the originating summons on 5th May 2017 seeking to be allowed to adopt the child LM aka JG.

2. Child LM aka JG is presumed to have been born on 14th August 2012. The child was born to one SM who abandoned him at Riruta Health Centre. The child was rescued by security guard who reported at Riruta Police Station in O.B. Number 37/7/9/2012. The child was placed at the Feed the Children Dagoretti also known as Abandoned Baby Centre. The child was committed to the same Home in **Care and Protection Case Number 484 of 2012** at the Children's Court at Nairobi on 26th October 2012. Police efforts to trace the mother and relatives of the child did not bear any fruits. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Little Angels Network on 19th June 2013 vide Certificate Number [...]. On 7th June 2013 the child was placed with the applicant for bonding and has been with her to date.

3. The court on 16th November 2017 appointed JNN as guardian *ad litem* and ordered that he files a report within 45 after carrying out a social inquiry on the applicant to determine her suitability to adopt the child. A similar report was sought from the Director of Children Services. The two reports were filed each recommending 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 him as if he 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 biological parents or relatives as they have never been traced. The husband 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 AWG is hereby allowed to adopt baby LM aka JG;

b) the child shall henceforth be known as JGW;

c) the child's date of birth shall be 14th August 2012, and shall be presumed to be a Kenyan by birth having been found abandoned at Riruta Health Centre in Nairobi in Kenya;

d) SGM and TWG are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicant before he 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 3RD DECEMBER 2020.

A.O. MUCHELULE

JUDGE