



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**ADOPTION CAUSE NO. 29 OF 2018**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**  
**AND**  
**IN THE MATTER OF BABY W.**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**  
**MWK.....APPLICANT**

**JUDGMENT**

1. The applicant MWK is a Kenyan citizen aged 56. She is a businesswoman and self-employed. She is not married and has no child. She filed this originating summons dated 13<sup>th</sup> March 2018 seeking to adopt Baby W.

2. Baby W was presumed to be born on 10<sup>th</sup> December 2012. The child was found abandoned by a good samaritan on 8<sup>th</sup> June 2014 at [Particulars Withheld] area. The matter was reported to Githunguri Police Station and recorded vide O.B No. [xxxx]. The child was referred to Githiga Health Centre for treatment as it had some injuries on the head. After discharge it was placed at Nest Children Rescue Centre and later committed to the Centre on 10<sup>th</sup> June 2014 by the Children's Court at Githunguri under Care and Protection Case No. 12 of 2014. On 8<sup>th</sup> June 2016 the Police confirmed that nobody had claimed the child and their efforts to find its relatives were fruitless. The child was then declared free for adoption under **section 156(1)** of the **Children's Act** on 27<sup>th</sup> July 2016 by the KKPI Adoption Society vide certificate number \*\*\*\*\*. The child was placed in the care and custody of the applicant on 20<sup>th</sup> May 2015 for bonding.

3. The court appointed DG on 17<sup>th</sup> May 2018 as the guardian *ad litem* and ordered him and the Director of Children Services to prepare and file the requisite reports after carrying out a social inquiry on the applicant to determine her suitability to adopt the child. The two reports were filed, each recommending 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 will 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 it 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 MWK is hereby allowed to adopt Baby W;

b) Baby W shall henceforth be known as KW;

c) the child's date of birth shall be 10<sup>th</sup> December 2012, and shall be presumed Kenyan by birth having been abandoned at [Particulars Withheld] area in Githunguri, Kenya;

d) LW 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 11<sup>TH</sup> day of JULY 2019.**

**A.O. MUCHELULE**

**JUDGE**