



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**ADOPTION CAUSE NO. 294 OF 2012 (O.S)**

**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2011**

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A BABY TP**

**BY**

**PIM AND MWK.....(APPLICANTS)**

**JUDGMENT**

1. The Applicants PIM and MWK are in a monogamous marriage which was solemnized at All Saints Cathedral in Nairobi on 13<sup>th</sup> September, 2008. They have no children of their own. They wish to adopt a female child known as Baby TP through the originating summons dated 13<sup>th</sup> November, 2012.
2. From the pleadings, the court gathers that the applicants PIM is an accountant by profession while MWK is a businesswoman dealing in supplies. They reside in [*particulars withheld*] in Nairobi and both profess the Christian faith.
3. The records before the court indicate that the minor in this matter was found abandoned at Riruta Satellite Centre in Nairobi where she was rescued by good Samaritans on 20<sup>th</sup> June, 2011. The matter was reported to Riruta Police Station where it was booked as OB No.xx of 20/06/2011. From the police station the child was handed over to Dagoretti Children's Office who referred her to Dagoretti Children's Home for care and protection. She was admitted into the home on 20<sup>th</sup> June, 2011.
4. On 21<sup>st</sup> December, 2011, the Senior Resident Magistrate sitting in Nairobi committed the child vide P & C 381 of 2011 to Dagoretti Children's home. On 23<sup>rd</sup> February, 2012 Riruta Police Station issued a final letter in which they confirmed that the biological parents of the child were not traced, nor did anyone come forward to claim the child. On 3<sup>rd</sup> March, 2012 the Applicants took the child to foster care with a view of adopting. A foster agreement was signed on 3<sup>rd</sup> March, 2012.
5. Prior to the hearing of the adoption application, Child Welfare Society of Kenya prepared and filed a report dated 9<sup>th</sup> January, 2014. They also issued a Certificate Serial No. xxx dated 9<sup>th</sup> January, 2014 declaring the child free for adoption. The guardian ad litem Daniel Mugwe Njoroje filed a report which was favourable and recommended the adoption of the child by the Applicants.
6. An officer from the office of the Director of Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child. She filed a report dated 31<sup>st</sup> August, 2015 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicants and that the Applicants have fulfilled the statutory requirements.
7. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child was abandoned at infancy and the parents could not be traced to give the consent. The child was in court during the hearing and appeared to have bonded well with the Applicants.
8. From the foregoing, this court is of the considered view that it is in the best interest of the child to be adopted by the Applicants. Reasons wherefore, I allow the prayers sought in the Originating Summons dated 13<sup>th</sup> November, 2012 and Order as follows:

**i. The Applicants PIM and MWK be and are hereby allowed to adopt **Baby TP** who shall henceforth be known as **NWI****

**ii. Her date of birth shall be presumed to be on 20<sup>th</sup> June, 2011. She is presumed to have been born in Kenya in accordance with**

Article **14(4)** of the **Constitution**, and the place of birth shall be Nairobi.

**iii.** MWM is hereby appointed the legal guardians in the event that the Applicants die, or are incapacitated by ill health.

**iv.** The Registrar General is directed to enter this Order in the Adopted Children Registry.

**v.** The Director of Immigration is hereby authorised to issue the child with a Kenyan Passport.

**vi.** The guardian ad litem is hereby discharged.

**SIGNED DATED AND DELIVERED IN OPEN COURT THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2019.**

.....

**L. A. ACHODE**

**HIGH COURT JUDGE**

**In the presence of ..... Advocate for the Applicants**