



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO. 18 OF 2015
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001
AND
IN THE MATTER OF APPLICATION FOR THE ADOPTION OF BABY B. L.
M. G. W.....APPLICANT

JUDGMENT

1. The Applicant herein M.G. W. (hereafter referred to as the Applicant) filed this Originating Summons dated 21.1.2015 seeking consent to adopt Baby B. L. (hereafter referred to as the child).
2. The Applicant is a widow having lost her husband on 4.10.2001. She was born on 27.10.1976 in Kenya and is resident in Kiambu. She is 42 years old.
3. The Applicant is a saleswoman in good health and with no Criminal record. She currently runs a spare part shop at Kirinyaga road in Nairobi and lives in a three bedroomed house with two children whom she took over after the demise of her sister.
4. The child who is now 7 years old was born on 11.11.2011. She was found abandoned at Thika Level 5 Hospital on 12.11.2011 and the matter was reported to Thika Police Station vide OB No. 22/14/2011.
5. The child was committed to Happy Life Children's home by the Children's Court at Thika vide Protection and Care (P & C) Case No. 181 of 2011 by the Child Welfare Society (CWSK).
6. There are two Police Letters date 4.11.2011 and 14.9.2012 which confirm that the biological parent was not traced. The child was declared free for adoption by the CWSK on 15.7.2014 vide Certificate No. 0683.
7. The Child was placed under the care of the Applicant on 27.8.2012 by CWSK. The following reports were filed in Court.
 - (i) Report by CWSK dated 15.7.2014 filed in Court on 13.7.2016.
 - (ii) Guardian Ad Litem's Report dated 11.12.2018
 - (iii) Report by Kiambu Sub-County Children's Officer dated 29.6.2018 and also a subsequent Report dated 7.6.2019.
8. The reports are favourable and they all recommend the adoption. The Consent of the Biological Parents of the Child is dispensed with since the child was found abandoned.
9. In the matter of **L.O (CHILD)[2012] Eklr** the court stated that :

“For the avoidance of doubt, the rights and duties of the biological parents of the child are hereby extinguished and all the parental rights, duties, obligations and liabilities of the child, J. M. M. , now vest in and shall be exercisable by and enforceable against the Applicants as the adopter parents as if the child were born in wedlock to the adopter parents and the child, to all intents and purposes, now stands to the adopter parents as a child born in wedlock and both adopter parents shall henceforth be the lawful father and mother of the child.”

10. I have considered the Originating Summons dated 21.1.2015 together with the Affidavits in support of the same and annexures thereto.

11. I find that the Applicant meets the threshold for adoption of the child and I allow the Originating Summons dated 21.1.2015 in the following terms:

(i) THAT the Applicant be and is hereby authorized to adopt the child.

(ii) THAT the child shall be named J.W.G.

(iii) THAT the date of birth of the child is 11.11.2011.

(iv) THAT the Registrar General be and is hereby directed to enter the order in the adopted children register.

(v) THAT Humphrey Waciana be and is hereby appointed legal guardian of the child in case of death or incapacity of the Applicant before the child attains the age of majority.

(vi) THAT the Guardian Ad Litem be and is hereby discharged.

Orders to issue accordingly.

DELIVERED, DATED AND SIGNED IN OPEN COURT THIS 8TH DAY OF NOVEMBER, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.