



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

ADOPTION CAUSE NO. 174 OF 2015

IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF ADOPTION OF CHILD S.S.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

R W K.....APPLICANT

JUDGMENT

1. The applicant is a Kenyan citizen aged 43. She is a self-employed businesswoman. She is single and does not have any children. She filed the originating summons on 2nd July 2015 seeking to be allowed to adopt a female child who is estimated to have been born on 20th April 2013.

2. Child S.S. was found abandoned at Nyabera river bank near Omosasa Chief's Camp in Kisii on 20th April 2013. She was rescued by a good samaritan one Isaac Nyanchoka who reported the incident at Kisii Police Station vide O.B No. XXX. The child was admitted at Kisii Level 5 Hospital until 28th June 2013 when she was transferred to New Life Home for care and protection. She was formally committed to the New Life Home Trust on 28th June 2013 vide an order of the Children's Court in Kisii, Protection and Care Cause [*Particulars Withheld*]. The final police letter dated 19th November 2013 stated that no claim had been made by the child's mother or family. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Little Angels Network on 5th February 2014 vide certificate No. XXX, and was placed under the care of the applicant for mandatory bonding prior to adoption. She has been under the continuous care of the applicant since 3rd June 2015.

3. The court on 25th September 2015 appointed G W G as guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicant. 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 interests 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 borne 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 as the child 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 R W K is hereby allowed to adopt Child S.S.;
- b. Child S.S. shall henceforth be known as S S W;

c. the child's date of birth shall be 20th April 2013, and the child shall be presumed to be Kenyan by birth having been found abandoned at Nyabera river bank near Omosasa Chief's Camp in Kisii in Kenya;

d. G W G 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 SIGNED at NAIROBI this 11th day of OCTOBER 2018

A.O. MUCHELULE

JUDGE