



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO.228 OF 2013**

**IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF A (INFANT)**

**P W K.....APPLICANT**

**JUDGMENT**

1. The applicant **P W K** is seeking to be authorized to adopt **baby A** hereinafter referred to as the child. She also seek that upon making the adoption the child be called **L W**.
2. The applicant is a single female Kenyan aged 35 years. She works as an administration police officer. She is medically fit, financially stable and is able to maintain a child.
3. The child was found abandoned in a plot at [particulars withheld], Embakasi in Nairobi and matter was reported to Embakasi police Station. The child has since 29/01/2012 been in the custody of Thomas Barnados House and was officially placed under their custody vide court order dated 2/07/2012 in care and Protection case Number 193 of 2012 in the Resident Magistrate Court at Nairobi. The Embakasi police station vide their letter dated 29th July 2012 indicated that efforts to locate the child's mother have not succeeded. The Kenya Children Home Adoption Society Committee sitting on 10/07/2012 made a recommendation on the applicant's suitability to adopt. The child was placed under the applicant's custody on 31st July 2012 for the mandatory bonding period and has been under her care since then. The child was declared free for adoption by the Kenya Children's Home adoption on 14/08/2012 and was issued with a certificate declaring a child free for adoption no. 1173.
4. The Department of Children Services filed their report on 23rd September 2015. The officer observed that the child has bonded well with applicant and is able to meet the child's needs as she has a steady job. The applicant has proved capable of taking parental responsibility over the child. The report recommends the adoption in that the child stands to gain from the opportunities presented by being a daughter to the applicant.
5. The guardian ad litem report was filed on 10th February 2016. The guardian ad litem observed that the applicant is of good health both physically and mentally has a steady job as an administrative police officer and is therefore financially capable to provide for the child's basic needs. The child appears to have bonded well with the applicant. The applicant is keen to adopt the child as a way to give back to the society by helping a needy child. The report recommends the adoption.
6. It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child. This court is satisfied that the applicant is qualified and able to take care of the child. The applicant is financially stable and capable to provide for the upkeep and education of the child. It was evident that in the period that the applicant has had the custody of the child, the child bonded well with her. The child was an abandoned child.
7. This court finds that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicant **P W K** is hereby allowed to adopt **baby A**. She shall henceforth be called **L W. L W K**, the fourth born sister of the applicant and her husband **G A N** are appointed legal guardians of the child should misfortune befall the applicant. I direct the Registrar

General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so ordered.

Signed, dated and delivered this 7<sup>th</sup> Day of *April* 2017.

**R. E OUGO**

**JUDGE**

In the presence of:

**Miss Nyakukira**

**For the Applicant**

**Ms Charity**

**Court Clerk**