



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYERI**  
**ADOPTION CAUSE NO 9 OF 2015 (O.S.)**  
**IN THE MATTER OF BABY C L alias S M (CHILD)**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR ADOPTION**  
**ORDER BY**  
**MR. L G M & MRS P W W**  
**AND**  
**IN THE MATTER OF CHILDREN'S ACT**  
**JUDGEMENT**

The applicants **Mr. L G M** and his wife **Mrs P W W** have in their originating summons dated 29<sup>th</sup> January 2015 applied to this court under the provisions of the Children's Act<sup>[1]</sup> for authority to adopt the child known as baby **C L** alias **S M** (herein after referred to as the child).

The originating summons is grounded on the affidavit of both applicants annexed thereto and sworn on 29<sup>th</sup> January 2015 and the documents attached thereto. The said attachments include a care and placement agreement dated 11.8.2014, consent to act as guardian *ad litem* sworn by J K Wand M W, an affidavit in support of application for the adoption order sworn on 29.1.2015, a detailed report of the guardian *ad litem*, a certificate declaring the child free for adoption dated 25.7.2014 issued by Buckner Kenya Adoption Services and a copy of a committal order under Sections 63, 64, 119, 120, 125 & 191 of the Children's Act.<sup>[2]</sup>

A report dated 27<sup>th</sup> October 2015 filed in court on 29<sup>th</sup> October 2015 prepared by Buckner Kenya Adoption Services states that the child was found on 22<sup>nd</sup> September 2013 abandoned within Ringai District in Nakuru County, and that she was newly born. The matter was reported at Mogotio Police Station vide OB No. *[particulars withheld]* and the baby was admitted at the African Gospel Church Baby Centre on 23<sup>rd</sup> September 2013 where she was named **C L**. Her estimated age was one day. Attempts by the Police to trace the parents yielded no fruits and that no one has since claimed the child. The child remained in the said home until 11<sup>th</sup> August 2014 when she was placed under the care of the applicants.

Briefly, the applications have sworn that they applied for adoption of a child with Buckner Kenya Adoption Services and their application was approved and that the child was received into their care and possession on 11<sup>th</sup> August 2014 and that the child has been continuously in their care and custody since

then. The applicants filed an adoption application and proposed **Mr. J K** and his wife **Mrs M W** to be appointed guardians *ad litem* in respect of the said child.

The applicants aver that they are husband and wife and have been married since 1999. They first married under Kikuyu Customary Law and later had a civil wedding on 23<sup>rd</sup> July 2014. They have annexed a copy of the marriage certificate in support of the said averment. The husband, **L G M** was aged **41** years at the time of filing this suit while the wife **P W W** was aged **39** years as at the time of filing these proceedings.

A report prepared by the Sub-County Children's Officer, Nyeri central recommends the applicants as the adoptive parents and confirms that the children's office has no objection to the proposed adoption and that the applicants have the means to support the child.

The said report also states that the applicants are fit socially and suited to take care of the child and that the husband is a driver operating taxi business in Town while the wife is a business person and both engage in farming and own a ¼ acre plot at Kabati and a **3** acre parcel of land at Kieni West, and both are economically stable and capable of taking care of the child. The report also confirms that both applicants have current police certificates of good conduct and profess the Christian faith.

The child was placed in their care on 8<sup>th</sup> May 2014 by Little Angels Network while aged 9 months and has continuously remained under their care since then.

A declaration report declared by Buckner Kenya Adoption Services concluded that the applicants are fit to adopt a child of their preferred sex and prepared a certificate of declaring the child free for adoption and the requisite report in conformity with the provisions of Section **156 (1)** of the Act.

I have carefully perused all the documents/reports in this application and I am satisfied that the proposed adoption is in the best interest of the child who will grow up with a mother and a father figure in his life and will be accorded parental love. I am satisfied that the child will benefit from the parenthood of the applicants and will have a better future and prospects of becoming a useful member of the society.

As the child was abandoned and no one has ever come up to claim the child to date, I dispense with consents of the biological parents. I am satisfied that the provisions of the Children's Act have been complied with. I allow the application and make the following orders:-

- i. The applicants **L G M** and **Mrs. P W W** be and are hereby authorized to adopt the child known as **CL** alias **S M**.
- ii. The child shall henceforth be known as **S M**.
- iii. That the legal guardians of the child shall be **J K W** and **M W** (who shall step in the shoes of the applicants in the unfortunate event that the applicants are unable to shoulder their parental responsibility).
- iv. The Registrar General shall make an entry of this adoption in the Adopted Children Register in the prescribed form.
- v. For avoidance of doubt, it is herein declared that all rights, duties, obligations and liabilities of the biological parents or guardians of the child are extinguished and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopting parents, namely, **LGM** and **Mrs. P W W** as if the said child were their biological child the child shall have the right to inherit the applicants.

Orders accordingly

Dated at Nyeri this 5<sup>th</sup> day of November 2015.

**John M. Mativo**

**Judge**

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[\[1\]](#) Act No. 8 of 2001

[\[2\]](#) Ibid