



Case Number:	Adoption Cause 306 of 2013 (OS)
Date Delivered:	19 Dec 2014
Case Class:	Civil
Court:	High Court at Nairobi (Milimani Law Courts)
Case Action:	Judgment
Judge:	William Musya Musyoka
Citation:	In Re of A B Also Known As K W W [2014] eKLR
Advocates:	Makori for the applicants
Case Summary:	-
Court Division:	Family
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	Application Allowed
History County:	-
Representation By Advocates:	One party or some parties represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 306 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF A B also known as K W W**

**JUDGEMENT**

1. The applicants, W J K and W D N, are Kenyan citizens. They are a married couple. They seek to adopt the male child A B. Their originating summons is dated 5<sup>th</sup> December 2013.

2. The child in question was born on 28<sup>th</sup> November 2009 while his mother was on her way to Kenyatta National Hospital, where she was later admitted. The birth mother later abandoned the child at the hospital. A report of the abandonment was made at the Kenyatta Police Post. The child was referred to the New Life Home Trust for care and protection. He was later committed to the institution by the Nairobi Children's Court, and it is from there that he was placed with the applicants on 2<sup>nd</sup> July 2010. The child's mother has not been traced to date.

3. The child was freed for adoption by the Little Angels Network adoption society by their declaration of 30<sup>th</sup> June 2010.

4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, P W N. The three have compiled and filed their reports in court. That by the Director of Children Services is dated 15<sup>th</sup> August 2014 and while that by the guardian *ad litem* is dated 17<sup>th</sup> February 2014. The report by the Little Angels Network is dated 2<sup>nd</sup> June 2010.

5. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child himself appears to have bonded well with them and he considers them to be his parents.

6. In the opinion of this court it would be in the best interests of the child that he is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if he was born to them. The applicants have been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit their property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

a. That the applicants, W J K and W D N, are hereby allowed to adopt the child Baby A B, who shall hereafter be known as K W W;

b. That the said child is hereby declared Kenyan by birth as he was born within Kenya to a known Kenyan mother;

c. That P N K is hereby appointed legal guardian of the child in the event something untoward happens to the applicants;

d. That the Registrar-General is hereby directed to enter this adoption order in the adoption register;  
and

e. That the guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 19<sup>th</sup> DAY OF December 2014.**

**W MUSYOKA**

**JUDGE**

**In the presence of Mr. Makori advocate for the applicants.**



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