



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CAUSE NO. 27 OF 2018

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY EN

SWN.....APPLICANT

JUDGMENT

1. Before me for consideration is the Originating Summons dated 28th August, 2018. The applicant SWN seeks, amongst other orders, that she be authorised to adopt baby EN.
2. The applicant is a single female now 54 years old. She has not applied for adoption previously. She is a businesswoman. She has no criminal record, and she is of good health.
3. The child is a female estimated to have been born on 22nd December, 2014. She was abandoned by her mother on 9th March, 2016 and she was taken to the Soweto Police Station and was committed to the care of Imani Children's home on 16th August, 2016. There was no parent or relative who went to claim the child while she was at the children's home. The child was placed into the care of the applicant on 21st May, 2017 where she has continued to be cared for to-date. The case committee of KKPI Adoption Society on 30th November, 2016 deliberated on this matter and was satisfied that the child was available for adoption and further that it was in the best interest of the child to be adopted by the applicant.
4. The guardian ad litem and the children's officer of Kiambu Sub-county are in favour of the adoption, indeed I find that the applicant has met all the requirements for local adoption. She is financially and emotionally stable, as can be noted from those reports.
5. The adoption application meets the threshold of **Section 158** of the Children's Act. **Section 158** provides:-

“For purposes of adoption, the Court, may make an order upon an application by a sole-applicant or by two spouses where the applicant or at least one of the joint applicants:-

(a) has attained the age of twenty-five years and is at least twenty one years older than the child but has not attained the age of sixty five years or

(b) is a relative of the child

(c) or is the mother or father of the child in this legal formulation any applicant who is above sixty five (65) years is disqualified from being an adoptive parent.

The other scope catered for the Act an exclusion criterion is where its certified that the applicants is or are of unsound mind, he/she or both have been convicted by a Court of Law for offences in the third schedule or the applicant or applicants are homosexuals.”

DISPOSITON

6. I find merit in the Originating Summons and I accordingly grant judgment in the following terms:-

(a) That the applicant, SWN is hereby authorised to adopt baby EN and that child shall be called FK henceforth.

(b) That ANN is hereby appointed Legal Guardian of the child in the event of misfortune befalling the applicant rendering her

unavailable or incapable of taking care of the child.

(c) That the Registrar General be and is hereby ordered to make appropriate entries in the Adopted Children's Registrar in respect to FK.

(d) That the child is declared as being born in Kenya of Kenyan parents and is therefore a Kenyan by birth and is entitled to Kenyan passport.

(e) That there is no order on costs.

JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 23RD DAY OF SEPTEMBER, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant..... Ndege

For the applicant: Miss Otieno

COURT

Judgment delivered virtually.

MARY KASANGO

JUDGE