



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 29 OF 2019 (O.S.)**

**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**

**IN THE MATTER OF ADOPTION OF AI**

**BY**

**ENN(APPLICANT)**

**JUDGEMENT**

1. The Applicant **ENN** moved this court by way of an Originating Summons dated 27<sup>th</sup> February, 2019 seeking for the following orders; -
    - a. That **she** be authorised to adopt a minor known as **BABY AI**
    - b. That the minor upon adoption be known as **SWN**
    - c. That **AMN** & his wife, **PAO** be appointed as legal guardians of the minor in the event the applicant dies or is incapacitated by ill-health before the minor is of full age and fully self-reliant.
    - d. That the Registrar General do enter this adoption in the Adoption Register.
  2. Before allowing any adoption, the court would require a guardian *ad litem* be appointed. **GVC** was appointed as guardian *ad litem* on the 16<sup>th</sup> of May, 2019. The guardian *ad litem* as appointed by court and the Department of Children's Services were required to investigate and file their respective socio inquiry reports on the applicant's suitability and fitness to adopt.
  3. The guardian *ad litem* in her report filed on 30<sup>th</sup> of August, 2019 reported that the child has had healthy growth, is well catered for by the applicant and has bonded well with the applicant and the applicant's child. She recommended the applicant as a fit person to adopt the child.
  4. In his report filed on 6<sup>th</sup> of August, 2019 the Director of Children's department echoed the sentiments of the guardian *ad litem*.
- The court was further informed that the applicant is aged 37 year having been born in 1982. She is Kenyan of the Christian faith and works in the field of real Estate. She is single, and resides in a three bedroomed apartment at [Particulars Withheld]. The applicant has a son age about six years and her desire to adopt is purely philanthropic.
5. The child is presumed to have be born on the 6<sup>th</sup> November, 2017. The child was abandoned and rescued near a building in Ruai on the 2<sup>nd</sup> December, 2017 and the matter was reported at Ruai Police station on 4<sup>th</sup> December 2017. Thereafter the child was placed at Imani Children's home on 6<sup>th</sup> December 2017. The child was committed to the same home as a child in need of care and protection on 6<sup>th</sup> of June, 2018. According to a letter from Ruai Police Station dated 6<sup>th</sup> July, 2018 no-one had come forth to claim the child.
  6. The child was declared free for adoption by Buckner Kenya Adoption Services on 3<sup>rd</sup> August, 2018. She was placed with the applicant on 2<sup>nd</sup> September, 2018 for foster care and has remained with the her to-date.
  7. Against the above background the court finds the applicant is a fit and suitable person to adopt the child, she has met all the necessary requirements of law and this adoption would be for the best interest of the child. Consequently, the following orders issue;

- a. The Applicant **ENN** be and is hereby authorised to adopt **BABY AI** who will upon this adoption be known as **SA**
- b. **AMN & PAO** be and are hereby appointed as the child's legal guardians in the event the applicant dies or is incapacitated before the minor attains the age of 18 years and is self-reliant.
- c. The Registrar General do enter this adoption in the Adoption Register.
- d. the guardian *ad litem* **GWK** is hereby discharged from the duties that had been bestowed upon her by the court.

**Dated and Delivered in Nairobi this 30<sup>th</sup> day of January, 2020.**

**ALI-ARONI**

**JUDGE**