



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 97 OF 2018 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY NN
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
AWI.....APPLICANT
JUDGMENT

1. The applicant is a single Kenyan woman aged 53 years, and doing business. She was married between 1991 and 1997, but is now separated. She has no child. She filed this originating summons on 17th July 2018 seeking to be allowed to adopt baby NN.

2. Baby NN was presumably born on the 15th February 2007 and abandoned in Kahawa Sukari area. A report was made at Kahawa Sukari Police Station vide Occurrence Book Number [....]. The child was temporarily placed at Nairobi Children's Home and was on 27th April 2007 transferred to Tumaini Children's Home where she was formally committed on 13th March 2008 by the Kiambu Children Court vide Protection and Care File Number 40 of 2007. The child was declared free for adoption on 20th March 2013 by Little Angles Network who issued Certificate No. [....]. On 28th March 2013 she was placed with the applicant.

3. The court on 4th October 2018 appointed CMK as guardian *ad litem* and ordered that he files a report after carrying out a social inquiry on the applicant. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her capability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was borne to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents as the child was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

- a. the applicant AWI is hereby allowed to adopt child NN;
- b. child NN shall henceforth be known as RWW;
- c. the child's date of birth shall be 15th February 2007, and shall be presumed to be taken by birth having been born in Kahawa Sukari in Nairobi County in Kenya;

d. MMK is hereby appointed to be the child's legal guardian in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant;

e. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f. the guardian ad litem is hereby discharged.

DATED and SIGNED at NAIROBI this 12th day of MARCH 2020

A.O. MUCHELULE

JUDGE