



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 5 OF 2019 (OS)**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY IH alias CND alias CI alias I**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION**

**BY**

**BMKG.....APPLICANT**

**JUDGMENT**

1. The applicant is a single Kenyan national aged 45 years and a human resource officer at [particulars withheld] Institute. She has never been married. She filed the originating summons on 24<sup>th</sup> January 2019 seeking to be allowed to adopt baby IH alias CND alias CI alias I
2. Baby IH alias CND alias CI alias I was born on the 11<sup>th</sup> September 2017 at Pumwani Maternity Hospital to one CND who offered her for adoption on grounds that she was not in a position to take care of the child due to financial constraints. She swore an affidavit of consent to the adoption on 15<sup>th</sup> September 2017. The baby was admitted at Hope House Babies Home on 15<sup>th</sup> September 2017. She was later committed there on 10<sup>th</sup> January 2018 vide Protection and Care Case Number 2 of 2018 at the Nairobi Children's Court. She was subsequently declared freed for adoption on 12<sup>th</sup> April 2018 vide certificate number xxxx by Change Trust. The child was handed over to the applicant who signed a foster agreement.
3. The court on 28<sup>th</sup> March 2019 appointed MKGM as guardian *ad litem* and ordered that she 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 born 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.
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 BMKG is hereby allowed to adopt baby IH alias CND alias CI alias I;
  - b) baby IH alias CND alias CI alias I shall henceforth be known as WS- IK;
  - c) the date of birth of the child shall be on 11<sup>th</sup> September 2017, and is declared Kenyan having been born to a Kenyan national at Pumwani Maternity Hospital in Nairobi in Kenya;
  - d) AOO and DWK are hereby appointed to be the child's legal guardians 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 30<sup>TH</sup> OCTOBER 2019**

**A.O. MUCHELULE**

**JUDGE**

**DATED and DELIVERED at NAIROBI this 31<sup>ST</sup> OCTOBER 2019**

**ALI-ARONI**

**JUDGE**