



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISII

ADOPTION CAUSE NO.06 OF 2014

IN THE MATTER

OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY FN a.k.a FNO

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

MOB.....APPLICANT

JUDGMENT

1. The applicant **MOB** through her Originating Summons dated 3rd January 2014, amended on the 17th October 2018 and Re-amended on the 6th August 2019 seeks to be authorized to adopt child **F N** a.k.a **FNO** hereinafter referred to as the child. She also seeks that upon making the adoption the child be called **FNO**. She also seeks that **FNON** be appointed the Legal Guardian.

2. The applicant is a Kenyan citizen born in 1959. She is retired from public service where she was an Agriculture Officer with the Ministry of Agriculture and is currently earning her pension. She is also currently employed as Assistant Publishing Director with [particulars withheld]. The applicant is financially capable of meeting to the needs of the child. She received the child into her care and possession on 23rd August 2012 and the child has been in her continuous care to date. She has previously adopted two other children who are now adults.

3. According to the report from Kenya Children's Home Adoption Society the child was found abandoned in a pit latrine at Kihoto in Naivasha District on 17th April 2009 whereupon she was rescued and taken to Naivasha District Hospital. The matter was reported to Naivasha Police Station on the 17th April 2009 vide OB No. [xxx] The child was admitted to Africa Gospel Church Baby Centre for care and protection on 17th July 2009. On 19th August 2009, the child was formally committed to Africa Gospel Church Baby Centre under Protection and Care Cause No.772 of 2009. In a letter dated 23rd June 2011 Naivasha Police Station stated that no one has come forth to claim the child. The child was declared free for adoption by the Kenya Children's Homes Adoption Society Case Committee on 9th August 2011 and issued with a certificate declaring the child free for adoption certificate serial number 705.

4. The County Children's Coordinator, Kisii County filed her report on 5th August 2019. The officer observed that the prospective adoptive parent has devoted herself to giving the best of her time and resources to the child and has the support of her immediate and extended family members. The officer recommends that the adoption is in the child's best interest.

5. The guardian ad litem report dated 6th August 2019 was filed on 13th August 2019. The guardian ad litem to observed that the child is well taken of. She noted that the applicant has met all the child basic needs such as shelter and education and therefore recommends the adoption.

6. The child in this matter was an abandoned child. Her mother is unknown and has never returned to look for her child. I find that the applicant has fulfilled all the legal requirements relating to the adoption of the child. This court is satisfied that the applicant is qualified and able to take care of the child. They are financially stable and capable to provide for the upkeep and education of the child. 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 applicants **MOB** is hereby allowed to adopt Baby **FN** a.k.a **FNO**;
- b. Child **FN** a.k.a **FNO** shall henceforth be known as **FNO**;

c. The child's date of birth shall be 17th January 2009 and shall be presumed Kenyan by birth having been found abandoned within Kihoto, Naivasha in Kenya;

d. **FNON** is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicants 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. I hereby discharge the Guardian ad litem.

Dated, signed and delivered at Kisii this 25th day of October, 2019

R. E. OUGO

JUDGE

In the presence of;

Applicant present

Mr. Magara h/b for Ms Mogusu For the applicant

Ms.

Rael

Court

clerk