

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISII

ADOPTION CAUSE NO. 1 OF 2018

IN THE MATTER OF CHILDREN'S ACT CAP 58 OF THE LAWS OF KENYA

AND

IN THE MATTER OF AN APPLICATION BY N M....APPLICANT

AND

IN THE MATTER OF P D alias J M O CHILD

JUDGMENT

The applicant, **N M**, is a widow. Her husband, **C O O** died on 10th October 2004. They did not have any children. The applicant now proposes to adopt **P D** alias **J M O**. The child was found abandoned by the roadside in Nakuru on 12th April 2015. The matter was reported to Nakuru Police Station (OB NO. [particulars withheld]). He was admitted to Africa Gospel Church Baby Centre on 12th April 2015 as Paul David via admission number 22/15. He was thereafter committed to the home vide Nakuru Magistrate's Court Care and Protection Case No. 200/2015 on 12th May 2015. On 3rd November 2015, the Nakuru Police Station confirmed that no one had made a follow up in tracing the child. The child was declared free for adoption by the Little Angels Network on 25th November 2016 vide Certificate No. [particulars withheld] and on 15th March 2017, the Kenyan Children's Home Case Committee approved placement of the child with the applicant. The child was formally placed with the applicant on 24th March 2017 and has continued to stay with her.

I also note that the applicant has adopted daughter T N O hence has the experience in dealing with adopted children. I have reviewed the assessment report by Little Angels Network, Kenya Children's Home and the report prepared by the Kisii County Children Coordinator and I am satisfied that it is in the best interests of the child that she be adopted by the applicant who is ready, capable and willing to provide a safe and nurturing environment for the child. I have also seen the applicant and child in court and they appear to relate well. The child also seems happy.

Having taken into account the provisions of Article 53(2) of the Constitution and Section 4(3) of the Children's Act, I now make the following orders:

1. N M be and is hereby allowed to adopt the child known as P D who shall henceforth be known as J M O and he shall be deemed to have been born on 12th April 2012 in Nakuru.
2. In the event of death or disability of the applicant, J O O shall be the legal guardian of the child.
3. The Registrar General is directed to enter this order in the Adoption Register and issue an appropriate birth certificate.

[Delivered and signed this 31st day of July 2018].

D.S MAJANJA

JUDGE

Mr. Soire for the Applicant

Ms. Nyawira Maina - Children's Department

Norah Matiangi