



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 60 OF 2018

IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF

BABY RP alias MW (MINOR)

ORIGINATING SUMMONS OF AN APPLICATION FOR AN ADOPTION ORDER

JUDGMENT

1. The Applicant YWM (hereafter referred to as the Applicant) has filed this Originating Summons through the firm of ODHIAMBO ORONGA and CO. ADVOCATES seeking of the following Orders:

(i) THAT the Consent of the biological parents of RP alias MW be and is hereby dispensed with since the infant was abandoned at birth by her biological mother.

(ii) THAT the Applicant be and is hereby authorized to adopt RP alias MW and the child be called RMM henceforth.

(iii) THAT the Registrar General do make the appropriate entries in the Adopted Children's Register in respect of BABY RMM

(iv) THAT CHM of Identity Card No. [Particulars withheld], DMM of Identity Card No. [Particulars Withheld], AND NMM of Identity Card No. [Particulars Withheld], be and are hereby appointed as legal guardians of BABY RMM in the event of death or incapacity of the applicant.

(v) THAT the Court does issue such other orders as may be necessary in the best interest of the child.

(vi) THAT costs be in the cause

2. The Applicant who works as a [Particulars withheld] University is a single female adult born on 9.9.1972 to the late WM and PMM

3. The applicant has never been married and neither does she have any biological children of her own. Her motivation for adopting the child is her maternal instinct and a craving for a child to nurture and take care of.

4. The Applicant has approached this Court seeking to adopt Baby RP alias Baby MW alias abandoned Baby girl (hereafter referred to as the child).

5. The child was born on 17th August 2016 from the birth notification No. [Particulars withheld]. She was abandoned at Gatundu Level Four Hospital Maternity on 18/8/2016 by her biological mother by name MW who claimed to be a resident of Kayole.

6. The matter was reported to Gatundu Police Station OB No. [Particulars withheld]. The child was admitted to New Life Home Trust on 23.8.2016 and officially committed through the Children Court at Gatundu vide P&C Case No. 3 and 2017 dated 21/3/2017

7. The Child was declared free for adoption by Little Angels Network on 3.11.2017 and Certificate No. [Particulars withheld] was issued. The child was placed under the care of the applicant on 8.12.2017.

8. The applicant is in gainful employment and she has adequate resources to take care of a growing child. She has house help to assist her with the Child when she is out on duty.

9. The Director of Children Services investigated the matter and filed a report in court dated 14.8.2018 filed in court on 19.9.2018, the guardian ad litem and Little Angels Network Adoption Society also filed reports dated 12/9/2018 and 3.11.2017 respectively.

10. I have carefully considered the Originating Summons dated 30.4.2018 together with the Supporting documents and the reports filed herein by the director of Children's services, the Adoption Society and the guardian ad litem.

11. My findings are as follows:

(i) I find that the Applicant has satisfied all the legal requirements for adoption of the Child.

(ii) The Consent of the biological parents could not be obtained as the child was found abandoned at the Hospital at birth. The consent of the biological parent is dispensed with under Section 159 of the Children Act.

(iii) I find it is in the best interest of the child that the child be adopted by the applicant and I order that the Applicant be and is hereby allowed to adopt the child.

(iv) The name of the child shall be RMM and the date of birth is 17/8/2016 according to the notification No. [Particulars withheld] obtained from the Hospital.

(v) I further direct that CHM, DMM and NMM be and are hereby appointed as legal guardians of the child in the event of death or incapacity of the applicant.

(vi) The Registrar General is hereby directed to enter this order in the adoption Register.

(vii) The Child to be presumed to be a Kenyan Citizen since she was found in Kenya.

(viii) The guardian ad litem is hereby discharged.

Orders to issue accordingly.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 30TH DAY OF NOVEMBER, 2018

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI

IN THE PRESENCE OF:

Miss Chege holding brief for Miss Adongo for the Applicants.