



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 230 OF 2015

IN THE MATTER OF CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY B.I. (A CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

J N N.....1ST APPLICANT

AND

J W.....2ND APPLICANT

JUDGMENT

1. The applicants are a Kenyan couple aged 52 and 43, respectively. The 1st applicant is an [particulars withheld] and the 2nd applicant is a [particulars withheld]. They got married on 3rd November 2013, and the 2nd applicant has had several miscarriages. On 14th September 2015 they filed this Originating Summons seeking to be allowed to adopt Child B.I. whose date of birth was unknown.

2. Child B.I.'s biological parents were unknown. She was found abandoned at Macho Medical services. The matter was reported at Kayole Police Station and an entry made in O.B. No. 37/9/12/2013. The Child was then placed at Imani Children's Home on 9th December 2013. On 8th December 2014 the Child was committed to the same Home under a Protection and Care Case No. 315 of 2015 at Nairobi Children's Court. No one came to claim the Child and police investigations did not find her parents or relatives. The Child was declared free for adoption on 29th April 2015 by KKPI Adoption Society which issued Certificate No. [particulars withheld]. The applicants have had the custody of the child since 3rd May 2013.

3. On 25th February 2016 the court appointed T W E as guardian *ad litem*. She conducted a home study of the applicants following which she made a report. The report indicated that the Child had bonded well with the couple and the extended family and that the child was in good health and had brought happiness

to the couple. On 5th December 2016 the Director of Children Services filed a statutory report to say that the applicants were socially, emotionally and financially capable of bringing up the Child and providing for it. The applicants had no criminal record.

4. The Court has considered all the reports and is of the opinion that it is the best interests of the Child to be adopted by the applicants. The applicants have provided a conducive home and environment for the Child to grow and develop and shall assume all parental rights and responsibilities as though they were the biological parents, once adopted. They are aware that this adoption order is final and binding during the lifetime of the Child and that the Child shall have the right to inherit their property. The applicants shall not be able to give up the Child owing to any subsequent unforeseen behaviour or other changes of the Child.

5. The Court is satisfied that the legal requirements for a local adoption have been satisfied under the **Children's Act 2001**. The following orders shall issue:

- a) the applicants J N N and J W are allowed to adopt baby B. I. who shall henceforth be known as F W N;
- b) the Child's date of birth shall be 9th December 2013, and shall be presumed Kenyan having been found abandoned at Macho Medical Services Kayole in Nairobi County in Kenya;
- c) W W G is hereby appointed as the legal guardian to the Child in the event of death or incapacity of the applicants before she is of full age and fully self-reliant;
- d) the Registrar General is directed to enter this adoption in the Adopted Children Register;
- f) the Director of Immigration Services is hereby directed to issue the Child F W N with a Kenyan Passport; and
- g) the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 25TH day of MAY, 2017

A.O. MUCHELULE

JUDGE