



REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
MILIMANI
ADOPTION CAUSE NO. 38 OF 2016
IN THE MATTER OF THE CHILDREN'S ACT, 2001
AND
IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF O I (MINOR)
JUDGMENT

The Applicant in this matter is E W K who applied for an adoption order to adopt baby O I, the minor. Her Application was by way of Originating Summons dated 17th march 2016.

The Applicant is a sole female applicant and she is not married. The Applicant is a citizen of Kenya as evidenced by her identification card number [particulars withheld]. She resides and works for gain in Nairobi. She is a Christian of Catholic Denomination. She has no criminal record as evidenced by the Police Clearance Certificate of serial number [particulars withheld] issued by the office of the Director of Criminal Investigations. The Applicant seeks to adopt the child because she feels the need to help a needy child by giving him a family.

The child in this matter is O I. He was presumably born on 10th May 2010. According to a report by Buckner Kenya Adoption Services (herein B.K.A.S) dated 16th March 2016, the child was found abandoned in [particulars withheld] area in Mukuru Kwa Njenga slums, Nairobi by Good Samaritans who rescued the baby and handed him over to the Mukuru Kwa Njenga Volunteer Children's Officer, Peter Omwenga who later reported the matter to Mukuru Police Post vide Occurrence Book number 04/12/05/2010. Attached is a police report dated 12th May 2010 confirming this. The whereabouts of the child's biological parents are unknown. The child was admitted at Imani Children's Home for care and protection on 12th May 2010. On the 4th of June 2012, the child was committed to the care of the of Imani Children's Home through the Children's Court at Nairobi, vide **Protection and Care No. 161/2012**. On 30th August 2012, vide a letter; the Mukuru Police Post confirmed that nobody had claimed the child since he was abandoned. The child was assessed by Gertrude's Children Hospital and was found to be of good health. The case committee of B.K.A.S held a meeting on 13th July 2015 in which they were satisfied that the child is free for adoption and this would be in the child's best interest. To this effect they declared the child free for adoption vide their report and Certificate of serial number [particulars withheld] attached thereto.

The Child was placed for fostering with the Applicant vide a Care Agreement with Imani Rehabilitation Agency, a copy of which has been attached to the B.K.A.S report.

By an ex parte Chamber Summons filed on 17th March 2016, the Applicant prayed for orders *inter alia* that this court appoint H G as the guardian *ad litem* of the child in this matter. H G consented to the same via her consent filed on 17th March 2016. An order appointing her as guardian *ad litem* was issued on 3rd May 2016. She prepared a report dated 12th July 2016 in which she stated that the Applicant and the child have a close bond and the adoption would be in the best interest of the child.

In the Director of Children’s Services report filed on 21st July 2016 the Applicant is said to have fulfilled all legal requirements for local adoption under the Children Act 2001.

In accordance to **Section 158 (2) (b) of the Children Act, 2001** this court is satisfied by the special circumstances explained to justify the sole female Applicant adopting a male child. This is as set out in the report by B.K.A.S Adoption Society filed on 19th April 2016 herein attached that:

- i. Nobody claimed the child since he was abandoned.
- ii. The search for his parents has been fruitless.
- iii. The child was five years and three months old at the time of placement and he has since continued to enjoy parental care by the applicant.
- iv. The child has bonded well with the applicant and extended family.

The court has considered the Applicant and child. The Applicant is financially and socially capable of providing for and taking care of the child. The court has also considered the special circumstances with regard to this adoption and finds that it is in the best interest of the child to be adopted by the Applicant. Further, all the relevant statutory reports recommend the adoption. Therefore the Applicant, E W K, is hereby authorized to adopt baby O I. Henceforth the Child shall be known as L P K and he shall be presumed to be a Kenyan citizen by birth. His date of birth shall be 10th May 2010. His place of birth shall be Nairobi County. E S K, sister to the Applicant, is appointed as the legal guardian of the Child should any misfortune befall the Applicant. The Registrar General is hereby ordered to enter this order into the Adoption Register. The guardian *ad-litem* is hereby discharged. It is so ordered.

DATED, SIGNED & DELIVERED IN OPEN COURT ON THIS 27TH DAY OF JULY 2017.

M. W. MUIGAI

JUDGE

In the presence of;

.....
.....
.....