



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 36 OF 2017**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY RN alias BABY A**

**JUDGEMENT**

1. The applicant, PWN, is a Kenyan citizen. She seeks to adopt Baby RN alias Baby A. Her Originating Summons is dated 31<sup>st</sup> March 2017. The child in question was born prematurely at home on 20<sup>th</sup> February 2016 and was admitted at Kenyatta National Hospital. She was abandoned by her birth mother at the hospital on 28<sup>th</sup> February 2016. A report of the abandonment was made the same day at the Kenyatta Police Post. Upon discharge from hospital on 13<sup>th</sup> May 2016 she was admitted at Happy Life Children's Home, where she was eventually committed by the Wang'uru Children's Court.

2. The child was freed for adoption by the KKPI Adoption Society by their certificate number [particulars withheld] of 30<sup>th</sup> November 2016. The child was placed with the applicant on 23<sup>rd</sup> December 2016 for bonding purposes.

3. To facilitate this adoption, the applicants have been assessed by the KKPI Adoption Society, the Director of Children Services and the guardian *ad litem*, MNG. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 15<sup>th</sup> April 2017, while that of the guardian *ad litem* is dated 5<sup>th</sup> June 2017. The report by the KKPI Adoption Society is undated but was filed in court on 6<sup>th</sup> April 2017.

4. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with her and she considers her to be her mother.

5. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

6. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

**(a) That the applicant, PWN, is hereby allowed to adopt the child Baby RN alias Baby A, who shall hereafter be known as VAW;**

**(b) That the said child is hereby declared to be Kenyan by birth, having been born on 20<sup>th</sup> February 2016;**

**(c) That RGN and FM are hereby appointed legal guardians of the child in the event something untoward happens to the applicant;**

**(d) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**

**(e) That the guardian *ad litem* is hereby discharged.**

**DATED, SIGNED and DELIVERED at NAIROBI this 1<sup>ST</sup> DAY OF AUGUST, 2017.**

**W. MUSYOKA**

**JUDGE**