

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO.136 OF 2016 IN THE MATTER

OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY J

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

J N K.....APPLICANT

JUDGMENT

1. The applicant **J N K** seeks to be authorized to adopt Baby **J a.ka. A B W** hereinafter referred to as the child. She also seeks that upon making the adoption the child be called **A B W**. She also seeks that **F W K** (the applicant's sister) be appointed the Legal Guardian of the child in the event of any event of death or incapacity of the applicant before the child is of age or independent.

2. The applicant is a Kenyan citizen born in 1965. She is a [particulars withheld] based in Nairobi and is financially able to cater to the needs of the child and is both physically and emotionally fit to parent a child. She has not been charged or convicted with any criminal offence referred to in the Third Schedule of the Children's Act. She received the child into her care and possession on the 01/10/2015 the child has been in her continuous care since the date.

3. Child Welfare Society filed its report on the 3/9/2015. As per the said report baby Janet was born on 7th July 2014 at Pumwani Maternity Hospital was the biological daughter of J W. Soon after her birth, the mother absconded from the facility leaving the child behind. The hospital management and Social Work Department took up the matter and reported the same to Shauri Moyo Police Station and the case was booked as OB No. 19/10/7/2014 and the case was referred to Child Welfare Society of Kenya for intervention. Upon discharge on 18/7/2014 the Child Welfare Society of Kenya placed the child with Hope House Babies Home on the same day for care and protection. The baby was later on 17/11/2014 committed to the institution through Westlands Sub-County Children Office. The child was committed by the Senior Resident Magistrates Court under Care and Protection Case No. 311 of 2014. The child was declared free for adoption Child Welfare Society of Kenya on 3rd September 2015 and issued with a certificate declaring a child free for adoption certificate number 0790. The child was placed under the applicant's care on 1st October 2015 to-date.

4. The Department of Children Services filed their report on 23 June 2017. The officer observed that the child looked healthy and has bonded well with the applicant and refers her to mother. The applicant has a house help who assists her with the child when she is away for work. The applicant is financially able to provide for the minor's basic needs and general upkeep. The applicant socially has proven her ability to care for the child and recommends that the adoption is in the child's best interest.

5. The guardian ad litem report was filed on 15th February 2017. The guardian ad litem observed is healthy and bubbly and is learning how to talk. The child and the applicant have bonded well. The applicant appears kind and loving towards the baby. The child has bonded well with the rest of her extended family. She observed that the adoptive parent is perfectly capable of raising the child and recommends the adoption.

6. It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child. This court is satisfied that the applicant is qualified and able to take care of the child. She is financially stable and capable to provide for the upkeep and education of the child. The child was an abandoned child

7. This court finds that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicant **J N K** is hereby allowed to adopt **Baby J**. She shall henceforth be called **A B W. F W K** (the applicant's sister) shall be the child's legal Guardian in the event of death or incapacity of the applicants before he is of full age. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya, is therefore a Kenyan by birth, and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so ordered.

Dated, signed and delivered this **14th** Day of **December** 2017.

R. E. OUGO

JUDGE

In the presence of:

Mr. Kimathi h/b for Miss Nyasweta For the Applicant

Ms. Charity

Court Clerk