

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.160 OF 2016

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY S

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

C W M..... APPLICANT

JUDGMENT

1. The applicant **C W M** seeks to be authorized to adopt **Baby S** hereinafter referred to as the child. She also seeks that upon making the adoption the child be called **A S W**. She also seeks that **A N M, L W K, J N W** and **S W M N** be appointed the Legal Guardians 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 on 1st November 1980. The applicant is single and working with [particulars withheld]. She is in good health and is financially able to cater to the needs of the child. She has not been charged or convicted with any criminal offence referred to in the Third Schedule of the Children's Act.

3. Baby S was born on 21st April 2015 and was found abandoned within Kikuyu Kanjeru area. She was rescued by a Good Samaritan Priscilla Njeri who reported the same at Kikuyu Police Station as Ob no. [Particulars withheld]. The baby was taken to Kiambu General Hospital for medical check-up through the Kikuyu Children Office. On 23rd April 2015, Baby S was placed with the Jean Petty Legacy Home for care and protection as police carried on their investigations. The child was on 9th June 2015 committed by the Chief Magistrates Court Kiambu for Care and Protection to Jean Petty Legacy Home vide care and Protection No. 51 of 2015. The child was declared free for adoption by Little Angels Network on 17th June 2016 and issued with a certificate declaring a child free for adoption certificate number 001706. The child was placed under the applicant's care on 19th June 2016 to-date. The agency recommends the adoption.

4. The Department of Children Services filed their report on **4th October 2017**. The officer observed the baby looks 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 has met all the legal requirements for local adoption as provided under the Children's Act of 2001 and is fit to take on parental responsibility and recommends that as adoption is in the child's best interest.

5. The guardian ad litem report was filed on 14th November 2017. The guardian ad litem observed that the baby is healthy and has grown a strong connection to the applicant and her whole 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 and has found a parent who loves her.

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 **C W M** is hereby allowed to adopt **Baby S** She shall henceforth be called **A S W. A N M, L W K, J N W** and **S W M N** shall be the child's Legal Guardians 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:

Miss Kioko h/b for Mr. Ndolo For the Applicant

Ms. Charity Court Clerk