



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
ADOPTION CAUSE NO. 256 OF 2015
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
AND
IN THE MATTER OF ADOPTION OF BABY N N(MINOR)
BY
S T L.....APPLICANT

JUDGMENT

The Applicant, S T L is a 38 year old Kenyan citizen and the single Applicant in this matter. She has never been married and resides in Lenana Forest View with her fiancée, P S of Danish Nationality. She is a freelance consultant and is currently working with UNEP. She wants to adopt for the reason that she wishes to enjoy motherhood and also to give a deserving child a home.

Baby N N was born on the 9th April 2014 at the Naivasha District Hospital. Her mother disappeared from the hospital ward shortly after her birth hence abandoning her. Her mother's disappearance was reported to the Naivasha Police Station and was recorded as O.B.58/11/04/2014. The parents of the child could however not be traced. The child being in need of care and protection and at the request of the Sub-County Children's officer, the Naivasha Children's Court committed her to the care of the African Gospel Church Baby Centre. She was committed there by the Children's Court Naivasha vide Committal Order Protection and Care No. 33/14 dated 05th May 2014. The child was placed with the Applicants for mandatory bonding period prior to adoption on 24th March 2015 through duly signed foster care agreement forms from the home dated the same day. She has lived with the Applicant continuously since then.

Through an Originating Summon filed on the 22nd October 2015 the Applicant wished to be authorized to adopt the baby, N N and have her name be changed to R N. The Adoption Agency Little Angels Adoption Services approved of S T L, the Applicant as a potential adopting parent to baby N. The Kenya Children's Home Adoption Society Case Committee on its sitting of the 11th February 2015 freed the child for adoption under Certificate Serial No. 1214 pursuant to Section 159 of the Children's Act,2010 which provides;

159(1) The Court may dispense of any consent required under paragraph (a), (b), and (c) of subsection (4) of section 158 if it is satisfied that—

- a. *in the case of the parents or guardian of the child, that he has abandoned, neglected, persistently failed to maintain or persistently ill-treated the child;*

Provided that:

- i. *abandonment may be presumed if the child appears to have been abandoned at birth or if the person or institution having care and possession of the child has neither seen nor heard from a parent or guardian of the child for a period of at least six months*

The consent of the parents is hereby dispensed with.

On the 20th January 2016 the court approved of the proposed guardian ad litem Jane Muthoni Mburu and ordered that she was to file a report within 45 days. The guardian ad litem's report of 14th January 2016 was favorable. The Applicant is financially stable, of good health and socially capable of taking care of the child. The guardian ad litem also stated that the Applicant being a staunch Christian she opted out of having a child of her own till she was married. The child has bonded commendably well with the Applicant who has a genuine desire to have the baby join her family. The guardian ad litem recommended the adoption of baby Rachael to the Applicant. The Children's Officer's report stated that the child has been with the Applicant from the 24th March 2015 and was placed with her at 11 months. According to the Children's Officer the child had also bonded well with the Applicant and the Applicant's fiancée's child. She is well taken care of and provided for. The Director Children Services recommended that S T L, the sole female Applicant be allowed to adopt baby N N.

The adoption of the child is hereby granted to the Applicant, S TL in this matter. Should any misfortune occur the child's legal guardians shall be B M L and J L. The child shall be known as R N L and her date of birth shall be 09th April 2014. The place of birth shall be Naivasha, Kenya. She is presumed to be a Kenyan Citizen by birth. The guardian ad litem is hereby discharged. This Court directs the Registrar General to duly enter this order in the Adoption Register. It is so ordered.

READ AND DELIVERED IN OPEN COURT AT NAIROBI THIS 20th DAY OF JUNE, 2016

MARGARET W. MUIGAI

JUDGE

In the presence of;

Mr. Munde holding brief for Mr. Ogutu