



**REPUBLIC OF KENYA**

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

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 140 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY R I alias D N W**

**JUDGEMENT**

1. The applicant, H W N, is a Kenyan citizen. She seeks to adopt Baby R I alias D N W. Her Originating Summons is dated 7<sup>th</sup> May 2015.
2. The child in question was found abandoned on 13<sup>th</sup> January 2009 in the Kayole / [Particulars withheld] area of Nairobi. The matter was reported at the Soweto Police Station the same day. The child was admitted at the Imani Children's Home, where she was committed by the Nairobi Children's Court. The parents of the child were not traced by the police. It is estimated that the child was born on 13<sup>th</sup> March 2008.
3. The child was freed for adoption by the Buckner Kenya Adoption Services by their certificate number [Particulars withheld] of 25<sup>th</sup> July 2014. The child was placed with the applicant on 23<sup>rd</sup> September 2014.
4. To facilitate this adoption, the applicants have been assessed by the Buckner Kenya Adoption Services, the Director of Children Services and the guardian *ad litem*, M G. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 23<sup>rd</sup> May 2016, while that of the guardian *ad litem* is dated 24<sup>th</sup> November 2015. The report by the Buckner Kenya Adoption Services is undated but it was lodged in court on 11<sup>th</sup> June 2015.
5. 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 himself appears to have bonded well with her and he considers her to be his mother
6. In the opinion of this court it would be in the best interests of the child that he 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 he 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.
7. I note that this is a proposal by a female applicant to adopt a male child. The Director of Children Services pointed to the fact that the applicant was the only person available to adopt the child. Consequently, I am satisfied that there exist special circumstances in this case.

8. 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, H W N, is hereby allowed to adopt the child Baby R I alias D N W, who shall hereafter be known as D N W;**

**(b) That the said child shall be presumed to be Kenyan by birth and his date of birth is estimated to be 13<sup>th</sup> March 2008;**

**(c) That L W K is hereby appointed legal guardian 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 and SIGNED at NAIROBI this 16<sup>TH</sup> DAY OF DECEMBER, 2016.**

**W. MUSYOKA**

**JUDGE**

**DELIVERED and SIGNED this 20<sup>TH</sup> DAY OF DECEMBER, 2016.**

**R. OUGO**

**JUDGE**