



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 268 OF 2014 (OS)**  
**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001**  
**IN THE MATTER OF ADOPTION OF BABY B A A**

**BY**

**B L P (APPLICANT)**

**JUDGMENT**

1. The Applicant **B L P**, is a divorcee of American descent and a citizen of the United States of America. She has no child of her own. She has brought an Originating Summons dated 18<sup>th</sup> November 2014 seeking permission to adopt baby B A A, a minor of female sex. The Applicant indicates that she is a Business Owner/Counselor with *[particulars withheld]*. She resides in Limuru, Mabroukie in Kiambu County and is a non-practising Christian.
2. The child who is the subject of this adoption proceedings was abandoned by her mother, one B A at Kiambu District Hospital immediately after delivery on 23<sup>rd</sup> September 2012.
3. The matter was reported at Kiambu Police Station and an entry was made to that effect vide OB 23/07/2013. The child was admitted at the Nest Children's Home on 26<sup>th</sup> November 2012, for care and protection. She was later officially committed to Nest Children's Home on the 17<sup>th</sup> June, 2013 by the Senior Resident Magistrate at the Children's Court Nairobi, vide C&P Case No. 33 of 2013. She was afterwards transferred to Cottolengo Centre on 24<sup>th</sup> July 2013 due to her medical condition. The biological parents of the child were not traced.
4. The child was released into the custody of the Applicant for mandatory foster care pending adoption on 30<sup>th</sup> June 2014. Since then she has been in the continuous custody and care of the Applicant.
5. Prior to the hearing of the adoption application, Kenya Children's Home, an adoption society prepared and filed a report in court. They also issued a certificate No. *[particulars withheld]* dated 18<sup>th</sup> June 2014 declaring the child free for adoption.
6. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicant is financially and emotionally capable of providing for the up keep and education of the child. The Director of Children's Services also filed a report dated 29<sup>th</sup> January, 2015 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant, as opposed to living all her

life in an institution. The report also states that the Applicant fulfils the legal requirements for adoption under the Children Act, 2001. That she has been resident in the country since 2001 and has had care and control of the child since 30<sup>th</sup> June 2014 and has proved capable of taking on the challenges of raising the child in this matter despite the health status of the child. The Director Children Services also observed that the Applicant meets the social parameters that are considered relevant for taking on parental responsibility and custody of the child on a permanent basis as would be conferred to her by the adoption order she now seeks.

7. The guardian ad litem, M/s. L K also filed a report that was favourable and recommended the adoption of the child by the Applicant.
8. The child was in court during the hearing and appeared to have bonded well with the Applicant. She was a jovial child who clearly considered the Applicant as her parent. Both close and extended families of the Applicant support the adoption.
9. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicant and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicant. In the premise I allow the prayers sought in the Originating Summons dated 18<sup>th</sup> November 2014 and order as follows:
  - i. The Applicant B L P is hereby allowed to adopt baby B A A who shall henceforth be known as **B A L P**.
  - ii. Her date of birth shall be presumed to be 23<sup>rd</sup> September, 2012. She is presumed to have been born in Kenya and the place of birth shall be Kiambu.
  - iii. J N D B, a close friend to the Applicant, is hereby appointed legal guardian of the child in the event that the Applicant dies or is incapacitated by ill-health.
  - iv. I direct the Registrar General to enter this order in the Adoption Register.
  - v. The guardian ad litem is hereby discharged.

It is so ordered.

**SIGNED DATED and DELIVERED** in open court this **20<sup>th</sup>** day of **February 2015**.

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**L. A. ACHODE**

**JUDGE**