



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 134 OF 2014 (OS)

IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001

IN THE MATTER OF ADOPTION OF BABY L A N Aka J W N

BY

J W N (APPLICANT)

JUDGMENT

1. The Applicant J W N, is a Kenyan citizen. She is a spinster and has no child of her own. She wishes to adopt the child known as Baby L A N, a minor of the female sex through the Amended ex parte Originating Summons dated 29th January 2015. The Applicant indicates that she is a business woman and professes the Christian faith. She resides at Kayole Estate in Nairobi.
2. The child who is the subject of this adoption proceedings was found abandoned at Kangemi area in Nairobi. She was aged three years at the time. She was rescued by a good Samaritan who made a report at Kabete Police Station. An entry was made to that effect vide OB 13/13/02/2007 of Kabete Police Station. The child was admitted at the Vijiji Home of Light on 2nd May 2007 for care and protection. She was later officially committed to the same home on the 26th June 2012, by the Senior Resident Magistrate Kikuyu Children's Court, vide CP Case No. 26 of 2012. The biological parents of the child were not traced. She was declared free for adoption on 27th March 2013 by the Kenyans for Kenyans Peace Initiative Adoption Committee.
3. The child was released into the custody of the Applicant for mandatory foster care pending adoption on 1st July 2013. Since then she has been in the continuous custody and care of the applicant.
4. Prior to the hearing of the adoption application, Kenyans for Kenyans Peace Initiative, an adoption society, prepared and filed a report in court. They also issued a certificate dated 27th March 2013 declaring the child free for adoption.
5. 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 7th January 2015 recommending the adoption, for reasons that the child stands to gain from the opportunities available to her by becoming the daughter of the Applicant, as opposed to life in an institution. The guardian ad litem, M/s. E M. K also filed a report that was favourable and recommended the adoption of the child by the Applicant.

6. The child was in court during the hearing and appeared to have bonded well with the Applicant. She clearly considered her as her parent.
7. 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 application brought by way of Originating Summons dated 13th November 2013 and order as follows:
 - i. The Applicant J W N is hereby allowed to adopt baby L A N who shall henceforth be known as J W W N.
 - ii. Her date of birth shall be 12th December 2003. She is presumed to have been born in Kenya and the place of birth shall be Kangemi, Nairobi.
 - iii. L G, a sister 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 **13th** day of **February** **2015**.

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L. A. ACHODE

JUDGE