



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 209 OF 2014**

**IN THE MATTER OF THE CHILDRENS ACT CAP 141**

**AND**

**IN THE MATTER OF BABY P J**

**R A O..... APPLICANT**

**JUDGMENT**

The applicant R A O made an application before this court seeking to adopt baby Priscilla Jane. The applicant is a single lady and a Kenyan citizen. The applicant is banker in *[particulars withheld]*. The applicant has not been blessed with children for religious reasons. The applicant approached Kenya Children's Home, an adoption society seeking to adopt a child. The applicant was assessed by the adoption society and approved her to be favorable to adopt a child.

Baby P J was abandoned at a *[particulars withheld]* within Nakuru on the 29<sup>th</sup> of November 2012. She was presumably born on the 22<sup>nd</sup> of December 2010. The matter was reported to Nakuru Police Station on the same day and a report was filed as per OB No. *[particulars withheld]*. The child was admitted to Church Baby Centre-Nakuru for care and protection on 29<sup>th</sup> November 2012. The Nakuru Children's Court committed the child to Africa Gospel Church Baby Centre-Nakuru on 3<sup>rd</sup> December 2012 vide Protection and Care Case No. 1019 of 2012. On 8<sup>th</sup> November 2013, Kenya Children's Home, an adoption society declared the child free for adoption after attempts of tracing relatives of the child had failed. The adoption society issued a certificate serial no. *[particulars withheld]* to that effect. The child was later placed under mandatory custody of the applicant on 14<sup>th</sup> December 2012. The court made an order appointing V A A as the guardian ad litem. A report approving the applicant as a favorable parent to adopt the child was prepared by the guardian ad litem from her frequent visits to the applicant's home.

The court evaluated the reports that were prepared by the guardian ad litem, the Director Children's Services and the adoption society that proved the suitability of the applicant. This being a local adoption, there are requirements that have to be satisfied before it's granted. The consent of the parents or relatives has to be obtained as a first requirement. The child in this matter was abandoned at *[particulars withheld]* within Nakuru on 29<sup>th</sup> November 2012. The matter was reported at the Nakuru police station and no claims were made from the relatives thereafter of a missing child. The police traced the relatives of the child but all in vain. Consent is therefore dispensed with as per **section 159(1)(a)(i) of the Children's Act** in this matter.

From the reports of the guardian ad litem, the Director Children's Services and the adoption society, the applicant was approved to be a suitable person to adopt the child. The child had bonded well with the applicant after she was placed with the applicant. The reports prove that the applicant is financially and emotionally stable to adopt the child. The certificate dated 7<sup>th</sup> February 2013 with serial no. 374066 proves that the applicant has no criminal record. The applicant has provided a healthy environment for the child to grow in.

The court hereby grants adoption to the applicant R A A because it is in the best interest of the child being the paramount consideration in adoption. The child shall be called P V P. Her date of birth shall be 22<sup>nd</sup> December 2010 and the place of birth shall remain Nakuru . In case of any misfortune, the child's legal

guardians shall be R B O, brother to the applicant and his wife, A W N. The guardian ad litem is hereby discharged. The Registrar General should thereby enter the order of adoption. It is so ordered.

**DATED AT NAIROBI THIS 24<sup>TH</sup> DAY OF APRIL 2015.**

**M. MUIGAI**

**JUDGE**

The Applicant R A O –Applicant present.