



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.314 OF 2013

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

AND

IN THE MATTER OF CHILD S.N.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

J K N

AND

S N K

JUDGMENT

1. The applicants J K N and S N K are a married Kenyan couple. The 1st applicant is a marketer at Kenindia Insurance while the 2nd applicant is a self-employed salonist. They filed this originating summons dated 10th December 2013 seeking to be allowed to adopt child S.N.
2. Child S.N. was reported to have been abandoned by her mother. She left her in the care of P M in Pipeline Estate, Nairobi. The mother had requested P to hold the child as she answered to a call of nature, but disappeared and never came back. The incident was reported at Embakasi Police Station and recorded as O.B NO. 13/19/11/2012. Police efforts to trace the mother or other relatives have been futile, and neither has anyone come forth to claim the child. The Police referred the child to Thomas Barnados Home on 19th December, 2012. The child was formally committed to the said Home on 15th February 2013 by the Children's Court at Nairobi vide Protection & Care Case No.46 of 2013. The child was declared free for adoption by the Kenya Children's Home Adoption Society on 18th June 2013 and later placed with the applicants on 2nd July 2013 for mandatory bonding period prior to adoption. She has been under the care of the applicants since then.
3. The reports filed in court by the Director of Children Services and the guardian *ad litem* H W K show that the applicants are financially, socially, emotionally and morally stable. The child is reported to have bonded very well with the applicants. This court is of the opinion that the best interests of the child will be served by this adoption as it will enable the child grow and develop in a family set-up as opposed to life in an institution. The applicants will assume all the rights and obligations of the parents of the child, and treat the child as if it was born to them. The child will be entitled to inherit their property. Further, this adoption shall be final and binding during the child's lifetime, and the applicants will not give it up owing to any subsequent unforeseen behaviour or other changes.

4. The consent of the biological parents of the child is hereby dispensed with as she was abandoned and their whereabouts unknown. This court is satisfied that the applicants have met all the requirements for a local adoption under the **Children Act, 2001**. The following orders shall consequently issue:-

- a. J K N and S N K are hereby allowed to adopt child S.N. who shall henceforth be known as S N K;
- b. the child shall be presumed to be Kenyan having been abandoned in Pipeline Estate within Nairobi, and her date of birth shall be 10th February 2012;
- c. M K N and M N K are hereby appointed the legal guardians of the child should anything happen to the applicants before she is of age;
- d. the Registrar General is directed to enter this adoption in the Adoptions Register;
- e. the Director of Immigration Services is hereby ordered to issue S N K with a Kenyan Passport; and
- f. the guardian *ad litem* is hereby discharged.

DATED at NAIROBI this 13th day of April 2015

A.O. MUCHELULE

JUDGE

DELIVERED at NAIROBI this 16th day of April 2015

W. MUSYOKA

JUDGE