



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 139 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY PA

BY

JWJ (APPLICANT)

JUDGMENT

1. The Applicant JWJ is a Kenyan citizen. She is single and has no child of her own. She wishes to adopt the child known as Baby PA, a minor of the female sex through the Originating Summons dated 16th May 2014. The Applicant indicates that she is a counsellor with MSF Belgium. She resides in Nairobi.
2. The child who is the subject of this adoption proceedings was found abandoned at infancy in Nyeri on 30th April 2013. She was rescued by a Good Samaritan who made a report at Kiganjo Police Station. An entry was made to that effect vide OB 16/30/4/13 of Kiganjo Police Station. The child was handed over to New Life Trust Children's Home on the same day for care and protection. She was later officially committed to the same Home on 17th May 2013, by the Resident Magistrate Nyeri Children's Court, vide committal warrant 34 of 2013. The biological parents of the child were not traced.
3. The child was released into the custody of the Applicant for mandatory foster care pending adoption on 11th December 2013. Since then she has been in the continuous custody and care of the applicant. Prior to the hearing of the adoption application, Kenyan to Kenyan Peace Initiative, an adoption society, prepared and filed a report in court and also issued a certificate No. 368 dated 27th November 2013 declaring the child free for adoption.
4. 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 24th July 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. NN also filed a report that was favourable and recommended the adoption of the child by the Applicant.
5. 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. The child was in court during the

hearing and appeared to have bonded well with the Applicant. She clearly considered her as her parent. The Applicant's mother who is a single parent is supportive of the adoption application. The Applicant being aged 44 years old, she is older than the child by more than 21 years as required by the law.

6. In the premise I allow the application brought by way of Originating Summons dated 16th May 2014 and order as follows:
 - i. The Applicant JWJ is hereby allowed to adopt baby **PA**, who shall henceforth be known as **BAW**.
 - ii. Her date of birth is presumed to be 4th March 2013.
 - iii. She is presumed to have been born in Kenya and the place of birth shall be [Particulars Withheld].
 - iv. ENM, a cousin to the Applicant is hereby appointed legal guardian of the child in the event that the Applicant dies or is incapacitated by ill-health.
 - v. I direct the Registrar General to enter this order in the Adoption Register.
 - vi. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **25th** day of **September 2015**.

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L. A. ACHODE

JUDGE