

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 296 OF 2014

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

AND

IN THE MATTER OF CHILD C.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY P N M

JUDGMENT

1. The applicant PNM is a 38 year old single lady working as a Humanitarian Aid Worker with an organisation known as S.O.S. She seeks to be allowed to adopt Baby C who is currently aged 1 year 8 months old. The child was found abandoned on 14th January 2014, few hours after birth, by a good samaritan in an arrowroot plantation in Nairobi. She was rescued and taken to Dandora Police Station where the incident was recorded under OB No. [particulars withheld] and later taken to Missionaries of Charity Home on a temporary basis. She was later referred to The Nest Home to which she was formally committed on 18th June 2014 vide Children Court at Nairobi Care and Protection Case No.133 of 2014. The Little Angels Network declared the child free for adoption on 30th July 2014 and issued certificate No.[particulars withheld] to that effect. The child was placed under the care of the applicant on 1st August 2014 for foster care prior to this adoption application. She has been under the applicant's care to date.
2. The reports filed in court by Director of Children Services and that of the guardian *ad litem* MMKW show that the applicant is financially, socially, emotionally and economically stable. The child is reported to be in good health and has bonded well with the applicant. This adoption will be in the best interests of the child as it will enable her grow and develop in a family environment. The applicant will assume all rights and obligations of the parents of the child and treat it as if the child was born to her. The child shall have the right to inherit her property and the adoption shall be final and binding during the child's lifetime, and the applicant will not give it up owing to any subsequent unforeseen behaviour or other changes. The consent of the child's parents is hereby dispensed with as they are unknown and efforts to trace them have not borne fruit, and neither has anyone come forth to claim her.
3. The applicant has satisfied all the requirements for a local adoption under the Children Act, 2001. The following orders shall issue:-
 - a. PNM is hereby allowed to adopt Child C who shall henceforth be known as RNY;
 - b. the child shall be presumed to be Kenyan having been found abandoned in Nairobi county within Kenya;
 - c. the child's date of birth shall be 14th January 2014;
 - d. RWM is hereby appointed the legal guardian of the child should anything happen to the applicant before she is of age;
 - e. the Registrar General is directed to enter this adoption in the Adoptions Register;
 - f. the Director of Immigration Services is hereby ordered to issue RNY with a Kenyan passport; and
 - g. the guardian *ad litem* is hereby discharged.

DATED and DELIVERED this 25th day of **September 2015**.

A.O. MUCHELULE

JUDGE