**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 223 OF 2014 (OS)**

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

**IN THE MATTER OF ADOPTION OF BABY B K (Minor)**

**BY**

**G N G (APPLICANT)**

# JUDGMENT

1. The Applicant G N G is a Kenyan citizen. She is single and has no child of her own. She wishes to adopt the child known as Baby B K, a minor of the male sex through the Originating Summons dated 23rd September, 2014. The Applicant indicates that she is a self-employed Consultant in media and internet Governance. She resides at South C, Nairobi.

2. The child who is the subject of this adoption was abandoned at Nakuru town together with his sister M W aged 1½ years at the time of abandonment on 3rd May 2013. He was estimated to have been five years at the time. The matter was reported to the Central Police Station, Nakuru via OB No. [particulars withheld]. On the same day the child was admitted at the Africa Gospel Church Baby Centre. On 22nd November 2013 the Resident Magistrate court at Nakuru committed the child to the same home vide P&C No.[particulars withheld] for a period of three years.

3. On 31st March 2014 the child was discharged from Africa Gospel Church Baby Centre and placed in the care of the Applicant with a view to adoption. Since then the child has been in the continuous custody and care of the Applicant.

4. Prior to the hearing of the adoption application, Kenya Children's Home, an adoption society prepared and filed a report in court. They also issued a certificate No. [particulars withheld] dated 12th March 2014 declaring the child free for adoption. The guardian ad litem, M/s. C W N filed a report which was favourable and recommended the adoption of the child by the Applicant. this she said would enable the child to grow up in a family setting and also enable him to attain a full harmonious development of his personality.

5. The Director of Children's Services has also made home visits and established that the Applicant is financially and emotionally capable of providing for the up keep and education of the child. He filed a report dated 3rd August 2015 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicant as opposed to living

all his life in an institution.

6. The Director pointed out that there was need for a further tracing of the whereabouts of the parents of the child in this matter together with his sister, since the society has only relied on two letters from the police to state that no one had gone to claim the child. The Adoption Society subsequently filed an addendum in support of the proposed adoption stating that a photograph of the proposed adopting family together with the child was published under the Children's Home's calendar for year 2015 and distributed across the country thus making to the public the children for any possible identification. To date no one has come forward to lay claim on the children.

7. The child was in court during the hearing and appeared to have bonded well with the Applicant. He was jovial and clearly seemed to trust the Applicant. He regarded her as his parent. The Applicant's family support the adoption.

8. 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. This will also afford him the opportunity to grow up with his biological sibling. The Applicant being aged 47 years old, she is older than the child by more than 21 years as required by the law.

9. That being the matrix of this matter, I allow the prayers sought in the Originating Summons dated 23rd September 2014 and order as follows:

i. The Applicant, G N G is hereby allowed to adopt baby **B K** who shall henceforth be known as **M N G**.

ii. His date of birth shall be presumed to be 3rd May 2008. He is presumed to have been born in Kenya and the place of birth shall be Nakuru.

iii. G N G (sister to the Applicant), is hereby appointed legal guardian of the child in the event that the Applicant dies is incapacitated by ill-health.

iv. I direct the Registrar General to enter this order in the Adoption Register.

v. The Director of Immigration is hereby authorised to issue the child with a Kenyan passport.

vi. The guardian ad litem is hereby discharged.

It is so ordered.

**SIGNED, DATED and DELIVERED in open court this 30th day of October 2015.**

**……**

**L. A. ACHODE**

**JUDGE**