



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 54 OF 2015 (OS)**

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

**IN THE MATTER OF ADOPTION OF BABY M P**

**BY**

**E N N (APPLICANT)**

**JUDGMENT**

1. The Applicant E N N is a Kenyan citizen. She is single and has no child of her own. She wishes to adopt the child known as Baby M P, a minor of the female sex through the Originating Summons dated 24<sup>th</sup> February 2015. The Applicant indicates that she is a Revenue Clerk with [particulars withheld] County. She resides at [particulars withheld] in Nairobi.
2. The child who is the subject of this adoption proceedings was found abandoned at Mfangano Street in Nairobi on 14<sup>th</sup> February 2006. She was rescued by a Good Samaritan one E N who made a report at Kamukunji Police Station. An entry was made to that effect vide OB 79/14/2/1006 of Kamukunji Police Station. The child was handed over to Soon Children's Home on the same day for care and protection. She was later officially committed to the same Home on 9<sup>th</sup> July 2014 by the Resident Magistrate Nairobi Children's Court, vide committal warrant No. 145 of 2014. 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 25<sup>th</sup> September 2014. 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. 431 dated 24<sup>th</sup> September 2014 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 14<sup>th</sup> 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. Miriam Wambuku Njugu 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 extended family are supportive of the adoption application. The Applicant being aged 54 years old, she is older than the child by more than 21 years as required by the law.

6. For the foregoing reasons, I allow the application brought by way of Originating Summons dated 24<sup>th</sup> February 2015 and order as follows:

- i. The Applicant E N N is hereby allowed to adopt baby **M P**, who shall henceforth be known as **M W**.
- ii. Her date of birth is presumed to be 2004.
- iii. She is presumed to have been born in Kenya and the place of birth shall be Nairobi.
- iv. Edith Muthoni, a sister 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 Director of Immigration is hereby authorised to issue the child with a Kenyan passport.
- vii. The guardian ad litem is hereby discharged.

It is so ordered.

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

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**L. A. ACHODE**

**JUDGE**