



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO.269 OF 2014
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF CHILD B C W a.k.a. B

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY G N K

JUDGMENT

1. The applicant G N K is a 59 year old single lady working as a teacher. She has no biological children of her own. She seeks to be allowed to adopt Baby B CW a.k.a. B. who is currently aged 9 years old. The child was found abandoned on 23rd October 2005 at [particulars withheld] Block 2. She was rescued by a good samaritan named S N who reported the matter to Industrial Area Police Station where the incident was recorded under OB No. [particulars withheld]. The Police later took her to Happy Life Children's Home to which she was formally committed on 22nd March 2006 vide Children Court at Thika **Care and Protection Case No.41 of 2006**. The Kenya Children's Home Adoption Society declared the child free for adoption on 17th October 2007 and issued certificate No.[particulars withheld] to that effect. The child was placed under the care of the applicant on 30th May 2007 for foster care prior to this adoption application. She has since been under the applicant's care. It is noted that this placement of the child with the applicant prior to being declared free for adoption offended the provisions of **section 156(1)** of the **Children Act, 2001**.
2. This court appointed M N I as the *guardian ad litem* and ordered that she as well as the Director of Children Services both file their respective reports on the suitability of the applicant herein to adopt the child. Both have filed their reports which 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 and is currently a class 3 pupil in a local primary school. This adoption will be in the best interests of the child as it will enable her grow and develop in a family environment. I make this finding despite the fact that the provisions of **section 156(1)** were offended. I have taken into consideration that the child has no other known parent(s).
3. Following this adopting, 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 biological parents is hereby dispensed with in accordance with **section 159** as they are unknown and efforts to trace them have not borne fruit neither has anyone come forth to claim her.

4. The applicant has satisfied all the other requirements for a local adoption under the **Children Act, 2001**. The following orders shall issue:-
 - a. G N K is hereby allowed to adopt Child B C W a.k.a. B who shall henceforth be known as M B N;
 - b. the child shall be presumed to be Kenyan having been found abandoned at South 'B' estate of Nairobi County within Kenya;
 - c. R W K M is hereby appointed the legal guardian of the child should anything happen to the applicant before she is of age;
 - d. the Registrar General is directed to enter this adoption in the Adopted Children Register;
 - e. the Director of Immigration Services is hereby ordered to issue the child M B N with a Kenyan passport; and
 - f. the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 27th November 2015.

A.O. MUCHELULE

JUDGE