



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 32 OF 2015.

IN THE MATTER OF: CHILDREN'S ACT NO. 8 OF 2001 (CAP 586 LAWS OF KENYA)

AND

IN THE MATTER OF : AN APPLICATION BY J M

IN THE MATTER OF: ADOPTION OF M Z (THE BABY)

AND

J M N.....APPLICANT

JUDGMENT

1. **J M N** the applicant in this adoption cause seeks to be authorized to adopt baby **M Z** and if allowed to adopt the said child to be known as **Z M N**.
2. The applicant is a Kenyan and is a business woman currently running a guest house alongside other businesses. She was born in 1973 and is not married but is open to the idea of marriage should the right man come along . She received the child under her care and possession on the 15th of August 2014. She is a Christian and seeks to adopt baby Me Z. The applicant is from a family of six siblings. Her parents are still alive.
3. Records as per the Director of Children report indicate that Baby **M Z** on the night of 9th of November 2013 in a certain homestead in Kianjogu Village in Mathira West Sub County was rescued by well wishers who reported the matter at Kiamachimbi police station and an entry made vide OB No. 09/20/11/2013. She was afterwards referred to New Life Home Trust, Nyeri for care and protection and admitted at the home on the 22/11/2013. Upon a request from the District Children's Office Mathira East, the Magistrate Children's Court sitting in Karatina committed the child vides P & C No. 2 of 2013 dated the 29/11/2013 to New Life Home Trust. She was transferred to the said home on the 22/11/2013. The applicant received the child for mandatory placement period prior to adoption from the home vide the foster care agreement form dated the 15/08/2014. She has had the care and control of the child continuously since then. A letter from Kiamachimbi police station dated the 7/7/2014 confirms no one has come forward to claim the said child. The Director of New Life Home Trust gave her consent towards the proposed adoption.
4. The child was declared free for adoption by Little Angles Network Adoption Society on the 30th of July 2014 , the Freeing certificate is No. 001495.
5. The Director upon investigating the applicant on her fitness to adopt found that she is financially able to look after the child, she has taken care of the child and continues to do so in her home which was found conducive for the growth of the child. The child is in good health, is jovial and happy and has bonded well with the applicant. The applicant has no objection to the child

inheriting her property. According to the Director the applicant is responsible, mature and capable of providing for the child, she also has the support of her wider family and has no criminal record. The adoption is straight forward one and the applicant has met the legal adoption requirements for adoption as per the Children Act 2001. It is assessed that the child stands to gain from the opportunities presented by her becoming the daughter of the applicant as she was an abandoned child and has no permanent home. It's recommended that the adoption would be in the child's best interest.

6. The report from the agency from the Little Angles Network gives a background of the child, the child remained unclaimed for more than six months and still remains unclaimed to date. They have attached the certificate declaring the child free for adoption No. *[particulars withheld]* pursuant to Section 156 (1). The agency too found the applicant suitable to adopt the child. The guardian ad litem's report indicates that she has visited the home of the applicant and found that the child is confident and gets along with people quite easily and has happy spirit. The child has also built a strong bond with the applicant and she is being provided with the basic needs food, shelter, clothing and medical attention.
7. The reports in this case are all favorable. The applicant loves and has taken care of the child from the time she has had her in her care and control. The child regards her as her mum. As a court I find that it is the child's best interest to grant the orders being sought. The legal requirements as per sections 158 (1) (a), Regulations 18 (2) and 19 of the Children Act 2001 have been met by the applicant. The requirements of Section 158 (4) (a) of the Children Act is waived as provided for by section 159 (1) (a) of the Children Act.
8. The applicant **J M N** is hereby authorized to adopt baby **M Z**. The child shall be known as **Z M N. M M** and **A W T** who have consented to be the legal guardians shall be the legal guardians of the child in the event of the applicant's death or incapability before the child attains age of maturity. The Guardian ad litem **M W K** is hereby discharged. The child shall be presumed to be a Kenyan and the Register General shall make the necessary entries in the Adoption Register. It is so ordered.

Dated , signed and delivered this 17th Day of **December 2015**

R.E.OUGO

JUDGE

In the presence of;

.....**For the Applicant**

.....**Court Clerk**