



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 270 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY M B N A.K.A R

BY

MS. G N K (APPLICANT)

JUDGMENT

1. The Applicant G N K is a Kenyan citizen. She is single and has no child of her own. She wishes to adopt the child known as Baby M B N a.k.a R, a minor of the female sex through the Originating Summons dated 18th November 2014. The Applicant indicates that she is a Manager of *[particulars withheld]* Academy. She resides at Ruaka, Kiambu.
2. The child who is the subject of this adoption was abandoned at infancy at Weitethie village area. She was rescued by members of the public who reported the matter to Thika Police Station, via OB No. 39/11/12/2006. The child was referred to Thika District Hospital for medical attention. On 28th December 2006, the child was admitted at Happy Life Children's Home for care and protection. On the same day the Resident Magistrate court at Thika committed the child to the same home vide P&Case No. 149 of 2006. Letters from Thika Police Station and District Children's Office both dated 25th February 2008 assert that the biological parents of the child were not traced nor did anyone come forward to claim the child.
3. On 30th May 2008 the child was discharged from Kenya Children's Home and placed in the care of the Applicant with a view to adoption. The Applicant also signed a Foster Care Agreement dated the same day. 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 18th June 2008 declaring the child free for adoption. The guardian ad litem, M/s. M N I 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 her to attain a full harmonious development of her personality.
5. The child was in court during the hearing and appeared to have bonded well with the Applicant. She was jovial and clearly seemed to trust the Applicant. She regarded her as her parent. The Applicant's family support the adoption.

6. 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 Applicant being aged 56 years old, she is older than the child by more than 21 years as required by the law.
7. That being the matrix of this matter, I allow the prayers sought in the Originating Summons dated 18th November 2014 and order as follows:
 - i. The Applicant, G N K is hereby allowed to adopt baby **M B N a.k.a R** who shall henceforth be known as **M B N**.
 - ii. Her date of birth shall be presumed to be 11th October 2006. She is presumed to have been born in Kenya and the place of birth shall be Thika.
 - iii. R W K (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.
 - 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 **4th day** of **December 2015**.

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L. A. ACHODE

JUDGE