



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 230 OF 2012 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY A K**

**JUDGEMENT**

1. R N N is a single applicant, who is a Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby K. Her Originating Summons is dated 25<sup>th</sup> October 2012.
2. Baby K was found abandoned at Mlango Kubwa within the Nairobi County on an undocumented date. A report of the matter was made at the office of the local chief, who advised the Good Samaritan who had brought the child to keep her as efforts to trace her relatives were being made. When the child fell sick, the Good Samaritan took her to the Kenyatta National Hospital where she abandoned her. The matter was reported at the Kenyatta Police Post, from where the child was referred to the Nest Children's Home. The Children's Court committed her to the said Children's Home for care and protection. Her parents and relatives have not been traced to date. She was placed with the applicant on 23<sup>rd</sup> April 2009.
3. This adoption is being arranged by the Child Welfare Society of Kenya, who freed the child for adoption vide their certificate number 0175 of 28th May 2012.
4. To facilitate this adoption, the applicant has been assessed by the Child Welfare Society of Kenya, the Director of Children Services and the guardian *ad litem*, P N N. The three have compiled and filed their reports in court. The report by the Child Welfare Society of Kenya is dated 28<sup>th</sup> May 2012, while that by the Director of Children Services is dated 24<sup>th</sup> February 2013. That by the guardian *ad litem* is dated 8<sup>th</sup> February 2013.
5. All these reports are favourable and recommend the proposed adoption. The applicant has filed documents that demonstrate that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with her and she considers her to be her parent.
6. In the opinion of this court it would be in the best interests of the child that she is adopted by the

applicant. The applicant will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parents in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. I am satisfied that all the legal requirements for a local adoption have been met and therefore I hereby make the following orders:
- a. That the consent of the biological parents of the child is hereby dispensed with;
  - b. That the applicant, R N N, is hereby allowed to adopt the child, Baby K, who shall hereafter be known as J J N;
  - c. That the child shall be presumed to have been born in Kenya and she is therefore Kenyan by birth as she was found abandoned within the Kenyan boundaries. She is entitled to all the rights that accrue to citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act;
  - d. That M M N is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
  - e. That the Registrar-General is directed to enter this adoption order in the adoption register; and
  - f. That the guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 25<sup>th</sup> DAY OF April, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of .....advocate for the applicants.**