



IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 63 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY V N also known as P W

JUDGEMENT

1. J M K is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby V N also known as P W. Her Originating Summons is dated 10th April 2012.
2. Baby V N also known as P W was abandoned by her birth mother at the Murang'a District Hospital on 5th December 2010. Her date of birth is unknown, but it is presumed that she was born on 5th December 2010. The matter of the abandonment was reported at the Murang'a Police Station the same day. The child was subsequently referred to the Nest Children's Home for care and protection, to which institution she was later formally committed by the Murang'a Children's Court. She was placed with the applicant for the pre-adoption bonding period on 21st August 2011. The efforts by the police to trace the parents of the child did not bear fruit.
3. This background is set out in the statement in support of the application as well as the affidavit of the applicant verifying the statement, and in the documents prepared and filed in court by the KKPI adoption society on 11th May 2011.
4. The child was freed for adoption by the KKPI adoption society by their declaration certificate dated 29th June 2011.
5. To facilitate this adoption, the applicant has been assessed by the KKPI adoption society, the Director of Children Services and the guardian *ad litem*, L K N. These three have compiled and filed their reports in court, dated 19th April 2012, 12th July 2013 and 14th July 2013, respectively.
6. 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 the applicant and she considers her to be her parent.

7. 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.
8. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-
 - a. That the court allows the application by J M K to adopt the child, Baby V N also known as P W;
 - b. That the consent of the biological parents of the child is hereby dispensed with;
 - c. The said child shall hereafter be known as P W K;
 - d. That B K K 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;
 - f. That the guardian *ad litem* is hereby accordingly discharged; and
 - g. That the child is hereby declared Kenyan by birth on account of having been born by a known Kenyan mother who later absconded.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF August, 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Mwenda advocate for the applicants.