

JUDGMENT

The Applicant is a 40 year old single mother. At present she is working as a Senior Monitoring and Evaluation Assistant with [particulars withheld] having worked with several United Nations Organizations since 1992. She has her own child. In her free time she gives voluntary services in the church and belongs to [particulars withheld] and [particulars withheld] group.

She owns her residence at [particulars withheld], Langata, Nairobi which is a 3 bed roomed house, and intends to buy a piece of land in Kitengela next to Ostrich Farm. She has been encouraged to adopt the child, which was her desire for long, by her workmates who adopt the needy children.

She is in good physical and obviously mental health. She has also requested ENM and CNN to be legal guardians of the child, in case anything untoward happens to her. The said couple has agreed to do so by their affidavit sworn on 21st November, 2008.

As against these observations, the child on hand was found dumped near a pit latrine at night in Mitumba slums of South C, Nairobi on 23rd December, 2007. A good Samaritan reported the matter to the Area Sub-chief (Nairobi West sub-location). After rescuing her she was referred to Olive Tree Hospital and the matter was reported at Langata Police Station vide its O.B. entry No.31/23/12/07. She was later transferred to Thomas Bernados Home on 21st January, 2008 and was committed to the said home by the Nairobi Children's Court vide P.& C No.29/08. She was placed under care of the Applicant prior to adoption on 26th March, 2008. She has been under continuous care and custody of the Applicant since then. The sub-chief and the Police have since confirmed that no one has come to claim the child. The Administrator of Thomas Bernados Home thus gave consent for this adoption.

The child was, after assessment from the Kenya Children's Home, declared free for adoption by its certificate dated 17th September, 2008.

As per the reports from the Director of Children services, Kenya Children's Home and the Guardian ad litem, the first born daughter of the Applicant looks after and loves the child as her own sibling. The Applicant has annexed photographs to the O.S. dated 21st November, 2008 which depict a well bonded family. The reports from all the aforesaid also speak with one voice that the order of adoption shall be in the best interest of the child.

I have considered the statement by the Applicant and all the reports on record.

This child who was abandoned from birth, has found a caring family and I shall not be on her way to a loving and generous mother and the sister.

Having found that the Applicant has fulfilled all the requirements of the Children Act and having declared fit and able to adopt the child, I authorize the Applicant to adopt the child who shall henceforth be known as JBAAborn on 23rd December, 2007.

I also appoint ENM and CNN of P.O. Box [particulars withheld], Nairobi to be the legal guardian of the child.

The order of the court be entered into Adoption Register. Guardian ad Litem is hereby discharged.

Dated, Signed and Delivered at Nairobi this 12th day of June, 2009.

K. H. RAWAL

JUDGE

12.6.09