



**In re Baby X (Infant) (Adoption Cause 23 of 2007)
[2008] KEHC 3499 (KLR) (Family) (18 April 2008) (Judgment)**

IN RE F ALIAS R.P (INFANT) [2008] eKLR

Neutral citation: [2008] KEHC 3499 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE 23 OF 2007
DA ONYANCHA, J
APRIL 18, 2008
IN THE MATTER OF BABY X ALIAS RP.....THE INFANT
AND
LT.....APPLICANT

JUDGMENT

1. The applicant LT applies to be given authority to adopt Baby “X”. She is British, [Particulars Withheld] years old and single. She has one other child who is of her own blood. She has resided in Kenya for the last 15 years and intends to stay for sometime to come. She owns land in Kenya and presently works for the [Particulars Withheld] stationed in Kenya. She earns over [Particulars Withheld] a month.
2. She was investigated by the Adoption Society and the Director of Children Services and was satisfied to be a fit mother and a capable person to adopt Baby X. The commending reports are on the record.
3. Baby X, on the other hand was found abandoned along Nanyuki River on 2nd June 2006 when she was about four months old. She was taken to Nanyuki District Children’s Officer who later committed the child to New Life Homes, Nairobi. Committal documents are attached as LT 3 on 27th June 2006 and admission to the New Life Home is marked LT 4. The police who got the report of abandonment have since filed a certificate that no one has claimed the child.
4. The Child was released to the applicant for foster care on 19th October, 2006. There are three reports on the record – From the Guardian ad litem, the Adoption Society - the Little Angels Network, and the Director of Children Services. They examined the suitability of the applicant to adopt the baby. They all three recommend that it is in the best welfare and interest of Baby X to be adopted by the applicant.
5. I have carefully considered the material, including the reports upon which this application is based. I am satisfied that there are good and special grounds in this case which persuades the court to allow this



application. The applicant has another child although she is single. That child appear well looked after. If she is allowed to adopt Baby X, she will have two and the other child and X, will have better company.

6. Finally, the records confirm that no one has ever claimed Baby X. That means she has no one to take care of her except probably being returned to the Children's Home. I have considered that also. I am of the view that she would be better off with the applicant who in the last one year has taken care of her as her mother and given her the love and care which she cannot have in a Children's Home. Furthermore, the applicant offers her a mother and offers her a certain future, education and other human needs. It would not be better to tear the baby away from those who presently love her and care for her. Her best interest is with the applicant and the latter's other baby. I will accordingly grant this application with the following orders: -

Orders

1. The applicant LT is hereby immediately authorized to adopt Baby X alias RP who will henceforth be known as [Particulars Withheld].
2. The Registrar-General is hereby directed to enter this adoption in his official Register of Adoptions.
3. The Principal Immigration Officer shall assist LT to travel out of Kenya if necessity arises.

DATED AND DELIVERED AT NAIROBI THIS 18TH DAY OF APRIL, 2008.

D A ONYANCHA

JUDGE

