



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Adoption Cause 140 of 2007

IN THE MATTER OF THE CHILDREN ACT (Chapter 586 of the Laws of Kenya)

IN THE MATTER OF LN(CHILD)

JUDGMENT

The Applicant, DRB seeks adoption orders in respect of Baby LN. Bowers is an United States of America citizen, is 35 years old and unmarried. She has another baby who is her natural baby. She has lived in Kenya for over 10 years and works here with UNICEF a branch of United Nations.

Her income per month is more than sufficient to take care of an extra person. She was brought up and received her early education in Kenya. There is in this file an undertaking by her parents that in case of the applicant's death or disability, they will be the children's legal guardian.

There are three reports in the file – from the Guardian ad litem, the Director of Children's Services and the Adoption Society. The reports are a result of their investigations about the suitability of the Applicant to adopt Baby LN. All the reports find that the applicant fit to adopt the child and recommend the proposed adoption.

The Baby on the other hand was originally found abandoned at [particulars withheld] Village in Nyeri District. She was immediately taken to Nanyuki Hospital for medical treatment before being accepted by New Life Home in Nairobi. The home kept the baby until they released her to the Applicant on 12th May 2007 for foster custody and care.

The investigators of the bodies who wrote the abovementioned reports found that the baby had fitted in well with the applicant's other child and home. They report excellent bonding between the applicant and the baby and the other baby.

Taking into consideration the recommending reports, the fact that the Baby will be permanently accepted as a resident of the United States of America, the excellent bonding between the applicant and the baby and between the two babies, I am persuaded that allowing this application will be the right thing to do. I have in coming to that decision also considered the welfare and best interest of Baby LN. She has no relative who claims her. No one is offering her parental love, life security, a roof over her head, education and other life requirement as does the Applicant. I am conscious of the fact that the Applicant is unmarried. However she has a family comprising of another baby whom she appears to be taking care of excellently. She is capable of taking care of LNas well, and she shows willingness to do so. In all these I see special circumstances which compel me to allow this application. I will allow it because doing

so is in the best interest of Baby LN, who that way, will be assured of a better future.

ORDER

1. The applicant, DRB is hereby immediately authorized to adopt Baby LN who henceforth will be called ELIB.
2. The Registrar-General is hereby directed to enter this adoption in his Official Register of Adoptions.
3. The Principal Immigration Officer is hereby directed to facilitate exit from Kenya if and when required of DRB and ELIB.

Dated and Delivered at Nairobi this 18th day of April 2008.

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D A ONYANCHA

JUDGE