



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO 94 OF 2004**

**IN THE MATTER OF THE CHILDREN ACT**

**AND**

**IN THE MATTER OF BABY M.N. – INFANT**

**JUDGMENT**

On 5th May 2004 F.O. (hereinafter called “the Applicant”) filed an application in this court by way of Originating Summons seeking inter-alia for orders to adopt an Infant child known as Baby M.N. (Hereinafter called “the Infant”).

On 2nd July 2004 S V and M V were jointly duly appointed as guardians ad litem of the said Infant. When the said application for adoption came for hearing on 1st October 2004 the said guardians ad litem together with Linnet Ouna an Adoption Officer with Child Welfare Society of Kenya and J.N. Ndungu (Mrs) a Chief Children’s Officer with the Children’s Department duly presented their respective reports on both the Applicant and the Infant.

The said Infant comes to this court through the said guardians as an abandoned child. She was abandoned at birth on 26th March 2003 at Dorkcare Nursing Home Nairobi by her biological mother known as R M, and subsequently through the Office of the Provincial Children’s Officer Nairobi admitted to Abandoned Baby Centre Nairobi on 3rd April 2003 for care and protection, after having reported the said abandonment at Pangani Police Station Nairobi. The said Infant was thereafter placed from the said Centre with the Applicant for foster care on 8th August 2003. The Infant has remained under the good care of the said Applicant since then.

The Provincial Children’s Officer, Nairobi Province, has duly confirmed that since the said date of abandonment, nobody has come forward to claim the said Infant.

The Applicant is unmarried female Kenya citizen who has for the last 26 years been working continuously and diligently as a househelp for the aforesaid guardians *ad litem* . According to the reports filed, the said Applicant is a fit and proper person capable of adopting and providing due parental care and attention to the said Infant and has by virtue of her employment demonstrated competence to adopt. The Applicant who was once married has not, out of choice, begotten biological children, but is otherwise both physically and medically fit. She is thus, according to the said reports, desirous of adopting the said Infant with whom she has well bonded. In accordance with the said reports, the Applicant has duly complied with the applicable provisions of the Children Act (Act No.8 of 2001). The said Infant also duly qualifies for adoption having been assessed and declared free for adoption by the Child Welfare Society of Kenya, a registered adoption society as provided under the said Act.

I have considered all the aforesaid reports together with the representations made and the pleadings filed herein. I am convinced that the adoption sought by the Applicant shall be in the best interests of the said Infant. In pursuance of the said application and circumstances of this matter, I further dispense with the production of necessary statutory consent as provided under section 159(1) (a)(i)(c) of the aforesaid Act.

I accordingly order that the said Infant be and is hereby adopted by the said Applicant. I further order that the said Infant be renamed M.N.O henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

**DATED DELIVERED AND SIGNED at Nairobi this 22<sup>nd</sup> day of October 2004**

**P. J. KAMAU**

**AG. JUDGE**