



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

(FAMILY DIVISION)

ADOPTION CAUSE NUMBER 28 OF 2019

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BSB

AND

PWN..... APPLICANT

J U D G M E N T

1. The applicant PWN has brought Originating Summons dated 1st October, 2019 seeking inter alia.
 1. *THAT MMG be appointed as Guardian ad Litem of BABY SB during the hearing of these adoption proceedings.*
 2. *THAT the Director of Children's Services in the Ministry of Home Affairs be directed to conduct investigations as to the suitability of the applicant to adopt BABY SB and submit a report of their findings to court.*
 3. *THAT the consent of the biological parent of BABY SB dispensed with since the subject was abandoned so soon after birth.*
 4. *THAT the applicant be authorised to adopt BABY SB child be known as BABY SB henceforth.*
 5. *THAT the Registrar-General do make the appropriate entries in the adoption register in respect of BABY SB.*
2. The application is supported by the applicant's statement sworn on 12th September 2019 in which she sets out the facts upon which the application for adoption is grounded. That she went through the process with the assistance of Buckner Kenya Adoption Services (BKAS) who gave her the history of the baby, that the baby was found abandoned on the night of 6th June 2016 in Gilgil Sub county. The matter was reported to the police vide OB [...] at Gilgil Police Station. The child was committed to Haven of Hope Baby Centre by Nakuru Children's Court in Case Number 278 of 2016. The child was freed for adoption by BKAS on 21st April, 2017 and placed in her care on 24th April, 2017 where she has been since.
3. The applicant identified a legal guardian, and a *guardian ad litem* was appointed.
4. The applicant was assessed for suitability by both the Adoption Agency and Director of Children Services. The Director of Children Services report was filed on 5th March 2020 by the County Coordinator Children's Services. She was found to be suitable.
5. I conducted an oral hearing of the Originating Summons and heard testimony of the applicant, the legal guardian, and the guardian *ad litem*. The applicant came through as a dedicated parent, properly bonded with the child and well prepared to take the foster relationship she has had with the child to the next level where she would assume all the legal rights and duties of a parent.
6. The Originating Summons is supported by the child's documents;
 1. *Original Freeing Certificate*
 2. *Summary Report for Baby Samantha Baraka*
 3. *Admission Form to the Home*
 4. *Placement Letter*

5. *Social Inquiry Report*
6. *Initial Police Letter*
7. *Committal Order*
8. *Final Police Letter*
9. *Immunization Health Card*
10. *Care Agreement*

The adoptive mother's documents;

Applicant's Documents

1. *Form of Inquiry on Prospective Adopt*
2. *Two referee forms*
3. *Medical form for the female applicant*
4. *Application letter to the agency*
5. *Legal Guardian's letter and ID*
6. *Letter from the church*
7. *Form of Certificate of Acknowledgment*
8. *Letter from a friend*
9. *Letter from a family member*
10. *Applicant's ID*
11. *Certificate of good conduct for the female applicant*
12. *Pay slips*
13. *Bank statement*
14. *Home study report*

7. From the foregoing it is evident that the applicant is highly recommended. She has the emotional and financial capacity to provide for his child and to give her a home, a family, a name, a heritage.

8. This is the right of every child, and this is the duty of society, to provide not just the needs of the child, but much love, care and attention in an environment that fosters the child's social, psychological, physiological and emotional development. A loving home with loving parents can do all these at once.

9. The applicant has complied with the legal requirements for adoption under the provisions of **Section 156, 157, 158 of the Children Act.**

10. Hence, the Originating Summons is allowed and the orders sought granted.

- a. ***THAT the applicant be and is hereby authorised to adopt BABY SB child be known as BABY SB henceforth***
- b. ***The Registrar General be and is hereby directed to make the appropriate entries in the Adopted Children's Register in respect to baby SB***
- c. ***DGN be and is hereby appointed the Legal Guardian of SB***
- d. ***The guardian ad litem be and is hereby discharged.***

11. Costs in the cause.

DATED, Signed and DELIVERED via email 18TH day of JUNE, 2021.

MUMBUA T. MATHEKA

JUDGE

Court Assistant Edna

Mrs Mbeche for the applicant

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