



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. E019 OF 2021 (OS)
IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF AN APPLICATION FOR AN ADOPTION OF BABY C.K.O.

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

CLN.....APPLICANT

JUDGMENT

1. The applicant CLN is a single Kenyan woman aged 44 years. She is a consultant trainer and coach. She is not married and neither does she have a child. She filed this originating summons dated 15th February 2021 seeking to adopt Baby CKO.

2. Baby CKO was born on the 1st May 2019 at Marie Stopes Hospital in Kibera to one CO. The child and her mother were accompanied to Mbagathi Hospital by a community worker at around 11.00am. While at the hospital the mother excused herself to use the bathroom and thereafter disappeared. The health worker waited until 3.00pm and thereafter proceeded to take the child to the Labour Ward where she was admitted at the New Born Unit. The matter was reported to Kenyatta Police Post vide OB No. [...]. The child was later admitted to New Life Home on the 9th May 2019 vide admission number [...] by the Milimani Children Court in **Protection and Care Case No.[...]**. Police efforts to trace the mother or relatives of the child did not bear any fruits. On the 5th August 2020 the child was declared free for adoption vide certificate No. [...] issued by Kenya Children's Home Adoption Society. She was on 12th August 2020 placed with the applicant where she has been since.

3. On 18th March 2021 the court appointed GWK as the guardian *ad litem* and ordered her and the Director of Children Services to separately carry out a social inquiry on the applicant to determine her suitability to adopt the child. The two reports were filed. Both recommended the applicant to be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with the applicant.

4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her capability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was born to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the mother of the child is hereby dispensed with as she was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

a) the applicant CLN is hereby allowed to adopt Baby CKO.;

b) Baby CKO shall henceforth be known as AWGM;

c) the child's date of birth shall be 1st May, 2019, and shall be presumed Kenyan citizen having born at Marie Stopes Hospital in Kibera, Nairobi County, in Kenya;

d) LWM and AMO are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

DATED AND DELIVERED AT NAIROBI THIS 1ST DAY OF JULY 2021.

A.O. MUCHELULE

JUDGE