



**REPUBLIC OF KENYA**

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

**ADOPTION 34 OF 2019**

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY HN**

**J U D G M E N T**

1. Vide an Originating Summons filed on 7<sup>th</sup> November 2019. The applicant herein IWT sought orders to be authorized to adopt baby HN, whose names would be changed to THW, and for the appropriate entries to be made in the Adopted Children Register.
2. In support of her application IWT obtained and filed the requisite documents.
3. The statement in support of the application shows that Baby HN was found abandoned somewhere in Riruta, taken on rescue to Melchizedeck Hospital, and matter was reported at Riruta Police Station vide OB number xxxx. The baby was committed to New Life Trust vide Committal Order from **Nairobi Children's Court, Case Number 448 of 2018**.
4. The child was declared free for adoption by Little Angels Network on 31<sup>st</sup> January 2019 and a certificate issued accordingly.
5. The child was placed in the foster care of the applicant on 22<sup>nd</sup> February, 2019. The applicant began the adoption process in 2017, the Adoption Agency Case Committee upon considering her application found that she met the legal and social parameters for adoption and she was approved for adoption of one female child.
6. The applicant has annexed all the requisite documents, proof of means, medical records, Certificate of Good Conduct, the recommendation from family, friends and church. In addition, the Department of Children Services vide its report to this court has recommended her as a suitable adoptive parent.
7. I heard oral evidence from the applicant, the guardian ad litem and the legal guardians. They all recommend the applicant and support her bid to adopt this child, who has been in her custody for over two (2) years.
8. The applicant understands that Adoption means the vesting of parental rights and duties relating to this child to her, as the adoptive parent. The legal guardians are also alive to the fact that the parental rights and duties will be transferred to them in the event that the applicant is unable to carry out the same for whatever reasons.
9. The only issue for determination is whether the Adoption order should issue.
10. The applicant met the legal requirements for an adoptive parent, the child has been declared free for adoption and the consent of the parents dispensed with because they are unknown.
11. It is in the best interests of the child that the adoption order issues, the child's rights under **Article 53 (1) a, b, c, e, and d, and as provided in the Children Act** to parental care and love will be fulfilled in the family recognized by our Constitution as *the natural and fundamental unit of society and the necessary basis of social order* and which the applicant is ready, willing and able to provide.
12. To that end, I allow the application and;
  - i. **An order be and is hereby issued that the applicant IWT adopts Baby HN to be known as THW.**
  - ii. **The guardian ad litem is discharged.**
  - iii. **DMT and MWT are appointed legal guardians of the child.**
  - iv. **The Registrar General to make the appropriate entries in the Adopted Children Register.**

**Orders accordingly.**

**DATED, SIGNED, DELIVERED VIRTUALLY THIS 5TH DAY OF NOVEMBER 2021**

**MUMBUA T. MATHEKA**

**JUDGE**

In the presence of:

Edna Court Assistant

Mrs. Mbeche for applicant

Obura Mbeche & Co. Advocates for the applicant

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