



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 59 OF 2019 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY FN

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

PKG.....1ST APPLICANT

MGG.....2ND APPLICANT

JUDGMENT

1. The applicants PKG and MGG are a Kenyan couple aged 46 and 45, respectively. The 1st applicant is a mason while the 2nd applicant is a house keeper. They married in church on 28th June 2008. They have no child. On 30th April 2019 they filed this originating summons seeking to adopt Baby FN.

2. Baby FN. was presumably born on 1st December 2016. She was found abandoned on 11th August 2017 at an estate within Kariobangi North by members of the community. The matter was reported to Buruburu Police Station under O/B No. [particulars withheld]. The child was placed at Imani Children's Home temporarily on 12th August 2017. On 11th April 2018 the child was committed to the Home pursuant to an order made by the Nairobi Children's Court under Protection and Care Case No. 117 of 2018. No claim had been made about the child. Police efforts to trace the parents or relatives of the child were not successful. The baby was declared free for adoption by Buckner Kenya Adoption Society on 3rd August 2018 vide certificate serial number 0293. On 2nd September 2018 the child was handed to the applicants for bonding.

3. On 20th June 2019 the court appointed GVC as the guardian *ad litem* to the child and ordered her and the Director of Children Services to within 45 days prepare and file the requisite reports after carrying out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed each recommending the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicants had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They 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 them. They have 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 their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents or relatives as they have never been traced.

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 applicants PKG and MGG are hereby allowed to adopt Baby F.N.;

b) Baby F.N. shall henceforth be known as AWK;

c) the child's date of birth shall be 1st December 2016, and shall be presumed to be Kenyan by birth having been found in

Kariobangi in Nairobi County in Kenya;

d) PNM and MWN are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicants 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 SIGNED at NAIROBI this 6TH FEBRUARY 2020

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 13TH FEBRUARY 2020

A.N. ONGERI

JUDGE