



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**ADOPTION CAUSE NO. 164 OF 2018**  
**IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001**  
**AND**  
**IN THE MATTER OF APPLICATION FOR THE ADOPTION OF**  
**JM**  
**BY**  
**PSL.....APPLICANT**  
**JUDGMENT**

1. The Applicant herein PSL (hereafter referred to as the Applicant) filed this Originating summons date 8/10/2018 seeking to be authorized to adopt JM (hereafter referred to as the Child) and to name the child SNL.
2. The Applicant is a single Adult Kenyan Citizen born on 3.5.1960 (now 58 years old)
3. The Applicant does not have any biological children and her motivation to adopt the child stems from her love of children and her desire to share what she has acquired with someone in need of love, care, protection and provision.
4. The Applicant is a Business woman who is involved in the management of her family estate and her Monthly Income is evidenced by her Bank Statements attached to the Application.
5. The Applicant is physically fit and has not committed any Criminal Offence as evidenced by her Medical Report and Certificate of good Conduct.
6. The Child was found abandoned within Githurai Area on 22.7.2015 by a good Samaritan who reported to Kasarani Police Station and booked under OB No. [xxxx].
7. The Child was referred to as Happy Life Children's Home by Kasarani Police station by referral letter dated 22.7.2015.
8. The Child was subsequently committed to the home by Nairobi Children's Court under care and Protection Case No. 218 of 2015 on 23.9.2015.
9. The Police issued a final letter on 22.4.2016 confirming that no one had gone to claim the child.
10. The child was declared free for adoption by the case committee of Buckner Kenya Adoption Society vide certificate serial No. 0289, under **Section 159(1) (a) (i)** of the **Children Act** which states that:

***“Abandonment may be presumed if the child appears to have been abandoned at birth or if the person or institution having care and protection of the child has neither seen nor heard from a parent or guardian of the child for a period of at least six months.”***

11. The following Reports were filed in respect of this Adoption.

**(i) The Director Children's Services Report dated 5.4.2019.**

**(ii) A Report by Buckner Kenya Adoption Society dated 13.2.2019.**

**(iii) A Report by the Guardian Ad Litem dated 1.4.2019.**

12. I have considered the Originating Summons dated 8.10.2018 together with Affidavit and annexures in Support of this Originating Summons. I have also considered the Reports filed herein and I find that they are in favour of the Adoption.

13. I find that the Applicant meets the legal threshold for adoption of the child and I allow the Originating summons in the following terms.

**(i) THAT the Applicant be and is hereby authorized to adopt Baby JM and to name her SNL.**

**(ii) THAT date of the birth of the child is 10.1.2012 and her place of birth Nairobi.**

**(iii) THAT the child be presumed a Kenyan Citizen by birth and be accorded the Right of a Kenyan Citizen.**

**(iv) THAT CLK and LMK be and are hereby appointed legal guardian of the child in case of incapacity of the Applicant before the Child attains the age of majority.**

**(v) THAT the Registrar General be and is hereby directed to enter this order in the Adopted Children Register.**

**(vi) THAT Guardian Ad Litem be and are hereby discharged.**

**DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 12<sup>TH</sup> DAY OF JULY, 2019.**

**ASENATH ONGERI**

**JUDGE OF THE HIGH COURT OF KENYA, NAIROBI**