



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

ADOPTION CAUSE NO. 145 OF 2018

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY AW alias S - (CHILD)

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

RJNT.....APPLICANT

JUDGMENT

1. The applicant RJNT is a Kenyan citizen aged 43. She works as a Director of Communications for [Particulars withheld]. She is not married and has no child. She filed this originating summons dated 12th October 2018 seeking to adopt Baby AW alias S.

2. Baby AW alias S was presumed to be born on 6th October 2016. On 6th October 2016 the child was found abandoned at a bush in Sagana area by good samaritans who took her to Sagana Police station. The matter was reported and recorded vide O.B No. [Particulars withheld]. The child was then placed at Happy Life Children's Home and later committed to the Home on 6th December 2016 by the Children's Court at Kerugoya under Care and Protection Case No. 14 of 2016. On 23rd August 2017 the Kerugoya Police Station confirmed that the mother could not be traced and that no one had gone to claim the baby. The child was placed in the care and custody of the applicant on 15th December 2017 after she had been declared free for adoption under **section 159(a) (i)** of the **Children's Act** on by the Little Angels Network vide certificate number 588.

3. The court appointed CWG on 31st January 2019 as the guardian *ad litem* and ordered her and the Director of Children Services to prepare and file the requisite reports after carrying out a social inquiry on the applicant to determine her suitability to adopt the child. The two reports were filed, each recommending that the applicant 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 and the applicant had bonded well.

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 ability 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 will 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 it 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 RJNT is hereby allowed to adopt Baby AW alias S;

b) Baby AW alias S shall henceforth be known as MJNT;

c) the child's date of birth shall be 6th October 2016, and shall be presumed Kenyan by birth having been abandoned at Sagana area

in Kerugoya, Kenya;

d) INT and SKG are hereby appointed to be the child's legal guardians in the event of 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 11TH day of JULY 2019.

A.O. MUCHELULE

JUDGE