



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 22 OF 2018
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY UV. - (CHILD)
IN THE MATTER OF AN APPLICATION FOR ADOPTION
BY
GJM.....APPLICANT

JUDGMENT

1. The applicant GJM is a Kenyan citizen aged 46. He is a self-employed businessman. He is not married and has no child. He filed this originating summons dated 27th February 2019 seeking to adopt Baby UV.

2. Baby UV was presumed to be born on 8th July 2014. The child was on 8th January 2016 found abandoned at [particulars withheld] area and taken to Nakuru Police Station by a good Samaritan where the incident was booked under OB No. 5/8/1/16. The child was then placed at Africa Gospel Church Baby Centre and later committed to the Centre on 9th September 2016 by the Children's Court at Nakuru under Care and Protection Case No. 15 of 2016. On 9th September 2016 the Nakuru Police Station confirmed that nobody had come forward to claim the minor and attempts to trace the kindred had been futile. The child was declared free for adoption under **section 159(a) (i)** of the **Children's Act** on 30th September 2016 by the Little Angels Network vide certificate number ***** and placed under the care and control of the applicant on 8th June 2017 for bonding.

3. On 5th July 2018 the court appointed Mr. KJW as the guardian *ad litem* and ordered him and the Director of Children Services to prepare and file the requisite reports after carrying out a social inquiry on the applicant to determine his 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 his ability to provide a conducive home and family environment in which the child will grow and develop. He will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to him. He 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 his 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 GJM is hereby allowed to adopt Baby UV;

b) Baby UV shall henceforth be known as VMM;

c) the child's date of birth shall be 8th July 2014, and shall be presumed Kenyan by birth having been abandoned at [particulars

withheld] in Nakuru, Kenya;

d) SCM and MWK are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicant before he 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