



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

ADOPTION CAUSE NO. 40 OF 2019

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY L aka LN

IN THE MATTER OF AN APPLICATION FOR ADOPTION

BY

PNW.....APPLICANT

JUDGMENT

1. The applicant PNW is a Kenyan citizen aged 36. She is a businesswoman and self-employed. She is not married and has no child. She filed this originating summons dated 2nd April 2019 seeking to adopt Baby L aka LN.

2. Baby L aka LN was presumed to be born on 30th May 2017. The child was found abandoned at Ponya Maternity Medical Centre within Githurai 45. It was not known who had left her there, and she could not be accounted for.

3. The matter was reported to Githurai Kimbo Police Station and recorded vide O.B No. [xxxx]. The child was placed at New Life Home Trust Kilimani and later committed to the home on 13th June 2017 by the Children's Court at Nairobi under Care and Protection Case No. [xxxx]. On 14th December 2017 Police confirmed that nobody had claimed the child and efforts to find its relatives were fruitless. The child was declared free for adoption under **section 156(1)** of the **Children's Act** on 23rd November 2018 by Buckner Kenya Adoption Societies vide certificate number [...]. The child was placed in the care and custody of the applicant on 7th December 2018 for bonding.

4. On 17th May 2018 the court appointed GVC 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.

5. 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.

6. 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 PNW is hereby allowed to adopt Baby L aka LN;

b) Baby L aka LN shall henceforth be known as NWW;

c) the child's date of birth shall be 30th May 2017, and shall be presumed Kenyan by birth having been abandoned at Githurai in Nairobi, Kenya;

d) PMW and EWG are hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicant before she is of 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