



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

ADOPTION CAUSE NO. 143 OF 2017

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF ADOPTION OF BABY SR

ABA.....APPLICANT

JUDGEMENT

1. The applicant is a Kenyan single lady aged 50 years. She is a businesswoman. She has no children of her own. On 27th September 2017 she filed this Originating Summons seeking to be allowed to adopt Baby SR.

2. Child SR was presumably born on 17th September 2013. She was found abandoned inside a polythene paper bag on 17th September 2013 along Nairobi River by students of [Particulars Withheld] school. The students notified the school security guard, SK, who together with the school cleaner and passer-by took the baby to Mutaithania hospital. The matter was reported to Gatina area Chief who referred them to Muthangari Police Station where the matter was reported vide OB No. [xxxx]. The child was later taken to New Life Home Trust and committed there on 1st November 2013 by the Children Court Nairobi vide **Protection and Care Number 372 of 2013**. The child was declared free for adoption on 6th June 2014 vide certificate number [xxxx] and was placed under the care of the applicant on 18th September 2017 for mandatory bonding prior to adoption.

3. The court on 12th November 2018 appointed PL as guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicant. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended 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 borne of 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 shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the child's biological family has been dispensed with since the child was found abandoned, and efforts to trace its parents did not bear any fruits.

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 **ABA** is hereby allowed to adopt Child SR;

b) child SR shall henceforth be known as SAO;

c) the child's date of birth shall be 17th September 2013, and shall be presumed Kenyan by birth having been found abandoned in Nairobi in Kenya;

d) BMO is hereby appointed to be the child's legal guardian 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 SIGNED at NAIROBI this 11TH day of JULY 2019

A.O. MUCHELULE

JUDGE