



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 2 OF 2019 (OS)
IN THE MATTER OF THE CHILDREN ACT 2001
AND
IN THE MATTER OF BABY V.N
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
FZM.....APPLICANT

JUDGMENT

1. The applicant is a single Kenyan woman, aged 46 years and self-employed. She has never been married. She filed the Originating Summons on 16th January 2019 seeking to be allowed to adopt baby VN.
2. Baby VN was born on the 13th December 2016 at Uzima Dispensary in Nairobi to AWM, a single mother, who offered her for adoption on grounds that she was not in a position to take care of the child. She swore an affidavit of consent to the adoption on 16th March 2017. The baby was admitted at the Nest Children's Home on 15th December 2016 and later committed there on 25th January 2017 vide Nairobi Children Court **Protection and Care Cause No. 24 of 2017**. She was subsequently declared free for adoption on 31st May 2017 vide certificate number xxx by xxxx Adoption Society. On 27th April 2018 the child was placed with the applicant for bonding. She has continuously been residing with the applicant from that time up to date.
3. The court on 28th February 2019 appointed ARWM 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 capability to provide a conducive home and family environment in which the child will grow and develop.
5. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if he was borne 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 shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The applicant's children have consented to the adoption.
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 FZM is hereby allowed to adopt Child VN;
 - b) Child VN shall henceforth be known as DVM;
 - c) GM is hereby appointed to be the child's legal guardian in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant;
 - d) The Registrar-General is directed to enter this adoption in the Adopted Children Register; and

e) The guardian *ad litem* is hereby discharged.

DATED and SIGNED at NAIROBI this 11th day of JULY 2019

A.O. MUCHELULE

JUDGE