



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO.75 OF 2018
IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF APPLICATION FOR THE ADOPTION OF BABY AJ

BY

AAM.....APPLICANT

JUDGMENT

1. The Applicant herein AAM (hereafter referred to as the Applicant) has filed the Originating Summons dated 8.6.2018 seeking to be authorized to adopt Baby AJ (hereafter referred to as the Child) and to name the Child KAB.
2. The Applicant is a single adult Kenyan Citizen born on 4.9.1978 at Nairobi currently working as a medical doctor at Nairobi.
3. The Applicant has one biological son aged 9 years old and she lost a daughter in 2012 aged 4 years old and one adopted son born on 17.7.2014.
4. The applicant is healthy physically and has not committed any criminal offences as evidenced by the medical report and certificate of good conduct filed herein.
5. The Applicant being a Medical Doctor has sufficient income to enable her take care of the child and her two children.
6. The Child was found abandoned on 28.6.2016 within Limuru and a report was made to Limuru Police Station.
7. The child was handed over to Limuru Children's Officer by an unknown good Samaritan who found her.
8. The matter was reported at Migori Police Station and later admitted to Migori District hospital for medical attention.
9. The Child was committed officially to Limuru Children's Home pursuant to an order made on 24.8.2016 by SPm's Court Limuru in Protection and Care Case No. 24/2016.
10. The Child was declared free for adoption by the Kenya Children's home Adoption Society on 15.3.2017 under Certificate No. xxx.
11. The Investigations were done prior to the issuance of the certificate by Migori Police Station and the parents were not traced. The final police letter is dated 8.02.2017.
12. Reports were filed herein as follows:
 - (i) **The Director Children's Services Report dated 27.3.2019.**
 - (ii) **The Kenya Children's Homes Report dated 15.3.2017.**
 - (iii) **The Report by the Guardian Ad Litem dated 6.5.2019.**

13. I have considered the Originating Summons dated 8.6.2018 together with the Affidavits filed therein and annexures. I have also considered the Reports filed herein by the Director Children's services, the Kenya Children's Home Adoption Society and the Guardian Ad Litem and I find that the said Reports are all favourable.

14. Of importance is that, the orders sought by the Applicant relate to a child. In law, in any matter concerning a child, the best interests of a child are paramount. **Article 53 (2)** of the **Constitution** provides the guiding principle on this question as follows:

“A child's best interests are of paramount importance in every matter concerning the child.”

The other pertinent law is the **Children Act No. 8 of 2001** and in particular Section 4(3) thereof.

15. I accordingly allow the Originating Summons in the following terms:

(i) THAT the Applicant be and is hereby authorized to adopt Baby A. J and to call her KAB.

(ii) THAT the consent of the biological parent is dispensed with since the child was found abandoned.

(iii) THAT the date of birth of the Child shall be 21.6.2016.

(iv) THAT the child shall be presumed to be a Kenyan Citizen and therefore be entitled to the rights and benefits of Kenyan Citizen.

(v) THAT TO and JCA be and are hereby appointed legal guardians of the child in case the Applicant is unable to discharge her parental obligations before the Child attains the age of majority.

(vi) THAT the Registrar general be and is hereby directed to enter this Order in the Adopted Children Register and to issue a certificate accordingly.

(vii) THAT the Guardian Ad litem is hereby discharged.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 5TH DAY OF JULY, 2019.

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI