

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CASE NO 7 OF 2018

IN THE MATTER OF ADOPTION OF BABY BN aka BABY G

BY

CWK.....APPLICANT

J U D G M E N T

1. **CWK**, the sole Applicant herein seeks to adopt **Baby BN aka Baby G** estimated to have been born on 1st April 2013. The Applicant is a Kenyan citizen and is aged 47 years. She is single and was married for 11 years. However, the marriage did not last due to her inability to have biological children. She is self-employed, earning a gross of KShs.30,000/= pm. She lives in rented house in Kiambu County and owns a piece of land in Machakos County. She adheres to the Christian faith. Her motivation for adopting the subject minor is to have children of her own.

2. The subject minor is a female child who was found to have been abandoned on 25th September 2013 at the gate of Thika level Five Hospital by an unknown person. At the time, she was estimated to be 5 – 6 months old. She was admitted into the hospital for treatment and the incident reported to Thika Police Station, and recorded *vide* **OB No. [xxxx]**. Upon her discharge, the subject minor for was placed in Nest Children’s Home on 15th October 2013, and thereafter committed by order of Thika Chief Magistrate’s Court **Protection and Care Case No. [xxxx]**. Her parents are unknown and nobody has ever come forward to claim her. On 25th March 2015, **KKP1** Adoption Society declared the subject minor free for adoption *vide* **Certificate No. [xxxx]**. The child was placed under the care of the Applicant on 13th May 2014 and has remained in her custody to date.

3. Pursuant to this court’s order on 26th September 2018, the guardian *ad litem* and Children’s Office filed their respective reports. KPPI Adoption Agency had also filed a social enquiry report, dated 20th September, 2018, in addition to an earlier report. The reports recommend the adoption as meeting the best interests of the subject minor, noting that the child has thrived under the Applicant’s care, and is happy. From these reports and other material on record, it appears that the Applicant is mature and financially and emotionally stable. She operates a children feeding program that brings her close to children and is ready and willing to take on the responsibility of caring and raising her own child, which she describes as the realization of a long-held dream.

4. In an application of this nature, the court is obligated to uphold the best interest of the child- see Article 53 of the Constitution and Section 4(3) of the Children Act.

5. Having reviewed all the material placed before it, the court is satisfied that the Applicant meets the requirements in respect of a local adoption and that the proposed adoption is in the best interest of the subject minor. In the circumstances, this court grants prayers in the Originating Summons filed on 5th April 2018. In addition, the court directs that the subject minor be deemed a Kenyan citizen and her date of birth to be 1st April 2013, and further that the Registrar of Births and Deaths does make appropriate entries in that regard. Further the Applicant’s cousin proposed as a legal guardian, namely, **MWM** is appointed as the legal guardian of the subject minor.

DELIVERED AND SIGNED AT KIAMBU THIS 11TH DAY OF OCTOBER 2019.

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C. MEOLI

JUDGE

In the presence of:

Ms Gitari holding brief for Ms Muhanda for Applicant

Court Assistant - Kevin