



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

ADOPTION CAUSE NO. 77 OF 2014

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF THE ADOPTION OF

BABY A L.....MINOR

BY

R N N.....APPLICANT

JUDGMENT

The Applicant, R N N sought by their Originating Summons and Affidavit in support, orders allowing her to adopt Baby A L (hereinafter the child) whose name shall be changed to K A W. The applicant is 44 years old. She is a business lady, she is single and has not been blessed with children of her own thus wishes to adopt the child.

The child was born on 9th April 2013 at Consolata Hospital, Nyeri. The child's biological mother J N W N willingly gave out the child for adoption on 22nd April 2013 because of the circumstances surrounding her birth and the fact that she did not even know who the child's father was. The matter was reported to the Children Department Nyeri on 26th April 2013 and committal to New Life at Children's Court – Nyeri under P & C Case No. 30 of 2013 in accordance with Section 119 of the Children Act 2001. The biological mother signed consent to give up the child for adoption with Little Angels on 22nd April 2013 and before Nyeri High Court on 3rd June 2013.

The child was then placed in the custody of the Applicant for mandatory bonding prior to adoption on 27th August 2013. She has since then been in her continuous custody and care. Little Angels Network issued a certificate declaring the child free for adoption pursuant to Section 156(1) of the Children Act. The said freeing certificate is serial No. [Particulars withheld] and the same is dated 3rd July 2013.

In an application filed on 13th March 2014 the Applicant sought orders that N M M be appointed as the child's guardian *ad litem*, and that the Director of Children's Services be ordered to investigate the suitability of the Applicant to adopt the child and submit a report. On 30th May 2014 this Court issued an order appointing N M M as the child's guardian *ad litem*, and further directing that she and the Director of Children's Services file their respective reports in Court. Little Angels Network filed Report on 7th April 2014 and recommended the adoption.

N M M, the guardian *ad litem* filed a report which favoured the proposed adoption of the child by the Applicant. Another report in respect of the proposed adoption of the child by the Applicant was prepared by the Director of Children's Services and filed on 14th February 2018. This report was similarly in favor of the proposed adoption. Both reports filed in respect of this proposed adoption have recommended that this Court allows the Applicant to adopt the child. The Director of Children Services filed report on 14th February 2018 and recommended the adoption.

This is a local adoption. It is evident that the Applicant has fulfilled all the legal requirements relative to the adoption of the child. The child's biological mother consented to the adoption. This Court is satisfied that the Applicant is qualified and able to take care of the child. The home visit by the guardian *ad litem* confirms that the Applicant is indeed capable of providing for the child. The Report from the

Department of the Children's Services established that the Applicant has the financial and emotional capability to provide for the upkeep and education of the child. She has no criminal records and is of good health. The child has bonded well with the Applicant according to the Guardian *ad litem*'s report. The child considers the Applicant her mother.

After careful examination of the documents presented, it is the opinion of the court that this Adoption would be in the best interest of the child. The biological mother J N W N ID No. [Particulars withheld] before Grace G. Mukuhi Advocate on 3rd June 2013 with Little Angels Network on 22nd April 2013 and the Social Enquiry Report of 26th April 2013 by District Children Officer Nyeri explains the Special Circumstances that necessitated the adoption. Hence, this Court allows the Applicant's application. The Applicant, R N N, is hereby allowed to adopt Baby A L. Henceforth, the child shall be known as K A W. Her date of birth shall be 9th April 2013. Her place of birth shall be Nyeri County. She is presumed to be a citizen of Kenya by birth. J K N and E W K (brother and sister-in-law to Applicant) are hereby appointed as the legal guardian of the child should any eventuality arise. This Court directs the Registrar General to duly enter this order in the Adoption Children Register. The guardian *ad litem* is hereby discharged. It is so ordered.

DATED, SIGNED AND DELIVERED THIS 12TH DAY OF NOVEMBER, 2018.

M. W. MUIGAI

JUDGE- FAMILY DIVISION HIGH COURT

IN THE PRESENCE OF;

APPLICANT IN PERSON - PRESENT

PATRICK KINUTHIA COURT CLERK.