

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO.300 OF 2014

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY AS aka CMS

NMJ.....APPLICANT

JUDGMENT

The applicant **NMJ** is seeking to be authorized to adopt **baby AS** hereinafter referred to as the child. She seeks the adoption of the child be called **ACM**. She also seeks that **VMJ** be the Legal Guardian of the child in the event of death or incapacity of the applicant before she is of full age.

The applicant is a Kenyan citizen holder of Identification card no. [Particulars withheld]. The applicant is a single female was born in 1974 residing in Athi River in Nairobi. The applicant is a marketer with [particulars withheld] Industries. She is of good health and has sufficient income to take good care of the child. She has filed financial documents, Certificate of Good Conduct to confirm her ability to take care of the child.

The child was found abandoned along Railway Line in Kihara next to Jamhuri Showground and was rescued by a good Samaritan named Patrick Kinuthia Wambui who was in the company of his friends Joel Nzomba. The matter was reported to police Kilimani Police Station and recorded as OB No. [Particulars withheld]. The same had been reported to Jamhuri Police Post OB No. [Particulars withheld]. The child was taken to Kenyatta National Hospital for medical hospital and later on referred to Dagorreti Children's Centre. Kilimani Police Station vide their final letter confirmed that nobody had come forward to claim the child. The child was committed to Abandoned Baby Center on 26th October 2012 as a child in need of care and protection in C&P Protection Case Number 4XX of 2012 by the Senior Resident magistrate at the Children's Court at Nairobi.

The child was declared free for adoption by Kenyans to Kenyans Peace Initiative Adoption Society (KKPI) case committee sitting on 27th March 2013 and issued with a certificate serial Number [Particulars withheld]. The child was placed with the applicant for bonding on 26th April 2013 and has been in her care ever since. KKPI filed their report on 24th September 2018.

The Department of Children Services filed their report on 19th March 2018. The report recommends the local adoption as the officer observed that the applicant has fulfilled the legal requirements as provided under the Children's Act 2001. The officer observed that the applicant is able to provide for the child's needs and she has bonded well with the child.

The guardian ad litem report was filed on 1st April 2016. The guardian ad litem recommends the adoption. The guardian ad litem observed that the applicant relate well with the child. The child was happy and secure. She recommends the adoption as it is in the child's best interest.

It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child. This Court is satisfied that the applicant is qualified and able to take care of the child. She is financially

stable and capable to provide for the needs of the child. It was evident that in the period that the applicant has had the custody of the child, the child bonded well with her.

This Court finds that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicant **NMJ** is hereby allowed to adopt **Baby AS** shall henceforth be called **ACM. VMJ** shall be the child's Legal Guardian in the event of death or incapacity of the applicants before he is of full age. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya and is therefore a Kenyan by birth and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. 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;

MR. GATUMUTA FOR THE APPLICANT

PATRICK KINUTHIA - COURT CLERK.