

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 104 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY P N *alias* BABY K

JUDGEMENT

1. The applicant, J W N, is a Kenyan citizen. She is single. She seeks to adopt Baby P N alias Baby K. Her Originating Summons is dated 21st April 2015.

2. The child in question was presumably born on 20th May 2010. She was found by a street boy abandoned at Kibandutu slums within Thika town on 6th August 2010. The boy took the child to his mother, who contacted the Karibu Centre and the child was taken in as one in need of care and protection. A report of the matter was made at the Thika Police Station the same day. The child was formally committed to the Karibu Centre by the Thika Children's Court. The police have indicated that they were unsuccessful in their efforts to trace her biological parents or other relatives.

3. The child was freed for adoption by the Kenya Children's Homes adoption society by their certificate number 1097 of 18th June 2014.

4. To facilitate this adoption, the applicant has been assessed by the Buckner Kenya Adoption Services, the Director of Children Services and the guardian *ad litem*, H W M. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 10th June 2016, while that of the guardian *ad litem* is dated 16th November 2016. The report by the Buckner Kenya Adoption Services is dated 11th May 2015. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with her and she considers her to be her mother.

5. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

6. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

(a) That the applicant, J W N, is hereby allowed to adopt the child, Baby P N alias Baby K, who shall hereafter be known by the name, P W W;

(b) That the said child shall be presumed Kenyan by birth; her estimated date of birth is 20th May 2010;

(e) That C N G is hereby appointed legal guardian of the child in the event something untoward happens to the applicant;

(d) That the Registrar-General is directed to enter this adoption order in the adoption register; and

(e) That the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 20TH DAY OF JANUARY, 2017.

W. MUSYOKA

JUDGE