



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO.136 OF 2015
IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001
AND
IN THE MATTER OF AN ADOPTION OF BABY L B (A CHILD)
BY
J W K.....APPLICANT

JUDGMENT

1. The applicant **J W K** is seeking to be authorized to adopt the baby B. She is also seeks that upon making the adoption the child be called **C N W**. she also seek that **P K K** and **N W N** be appointed the legal guardians of the child.

2. **J W K** was born on **15th March 1968**. She is a Kenyan citizen, a banker by profession working with Barclays Bank Nairobi. She is single and does not have any biological children. She is a Christian, mentally sound and has not committed any offences set out in the third schedule. The child was placed in her custody on 22nd December 2014. and she has been in her continuous care since then.

3. The child is presumed to have been born on 4th March 2012 and was found abandoned on 8th March 2014 at [particulars withheld]when she was about 2 years old. She was rescued by a passerby J N who reported the matter at Mutarakwa Police post and the matter was booked as OB No. 08/8/03/2014. The officer in charge via a letter dated 11th March 2014 sought a placement of the child at Limuru Children center. The child was committed to the said home via care and protection on 11th March 2014. She was committed to the said home via care and protection case no. 10 of 2014 for a period of one year. Via their last letter dated 10th September 2014, Mutarakwa Police Post indicate that their efforts to trace the child's relatives failed and that no one had come forward to claim the child. The child was declared free for adoption by Kenya Homes Adoption Society on 10th December 2014 and issued with a certificate declaring a child free for adopt serial number 1190. The child was placed with the prospective adoptive parent on 22nd December 2014.

4. The Department of Children's Services filed their report on 13th June 2016. The investigator observed that the applicant is employed and is financially stable. She is emotionally and socially mature to take on parental responsibility of the child. She is financially stable to cater to the child's needs. It was observed that she has bonded well with the child. Being a local adoption the applicant meets legal requirements under the Children's Act to be allowed to adopt the child. The applicant has proved capable of taking care

of the child. The report however questions efforts made by the police to locate the child's mother and pointing out that the OB reads 08/8/03/2014 and that the child was referred to the children's office on 11th March 2014 but does not state where the child was between the said period. When the matter came for hearing Miss Ndegwa for the applicant referred the court to the letter dated 10/9/2014 by Mutarakwa Police post stating that efforts to trace the child's mother were futile adding that the issue on whereabouts of the child between 8th to 11th when the child was admitted to Limuru Children's home was that the said child was in police custody. That despite letter stating that the child's mother had been located no one was found and that is when the child was declared free for adoption.

5. The guardian ad-litem report was filed on 19th February 2015. She observes that J is able to provide the child with a loving, safe and nurturing home for the child. The child is healthy and there is no report of maltreatment. The applicant is financially able to provide for the child. She recommends the adoption of the child by the applicant.

6. The court summoned J N the person who was said to have found the child and she explained that she met the child on the road and took her to her house until the following day. When she took the child to the police they directed her to take the child to the children's home and she did so. She stated that she did not know anything else about the child apart from the fact that she was a girl of about 2 years old. She denied seeing the mother of the child. This evidence confirmed to this court that the child in this matter was an abandoned child.

7. The applicant is a Kenya citizen hence this is a local adoption. The Department of Children Services and the guardian ad litem reports are favorable and upon perusal of the documents annexed to the said application, it is clear that the applicant has met the legal requirements for adoption. This court finds that it would be in the best interest of baby B to be adopted by the applicant. Baby B was abandoned by the biological mother, efforts by the police in tracing his parents or relatives have been fruitless and the child has remained unclaimed to-date.

8. The Applicant **J W K** is hereby allowed to adopt **Baby L B** and she shall henceforth be called **C N W. P K K** and **N W N** (applicant's brother and his wife) will be the child's legal Guardians should misfortune befall the applicants. 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 **16th** Day of **March** 2017.

R. E. OUGO

JUDGE

In the presence of:

Mr. Alosa H/B Ms Ndegwa.....For the Applicant

Ms. Charity Court Clerk