

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 279 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY P I

JUDGMENT

1. The applicant, L N M, is a Kenyan citizen. She seeks to adopt Baby P I. Her Originating Summons is dated 25th November 2015. The child in question was found abandoned on 24th September 2009 along the Saika Mowlem road in Nairobi by a Good Samaritan, who reported the matter at the Dandora Police Station. The child was admitted at the Imani Children's Centre for care and protection. She was later committed to that institution by the Nairobi Children's Court. The police were unable to trace his relatives. He was placed with the applicant on 3rd September 2013. It is estimated that he was born on 24th August 2008. The child was freed for adoption by the KKPI Adoption Society by their certificate number [Particulars withheld] of 27th August 2014.

2. To facilitate this adoption, the applicants have been assessed by the KKPI Adoption Society, the Director of Children Services and the guardian *ad litem*, L K. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 8th March 2017, while that of the guardian *ad litem* is dated 3rd May 2016. The report by the KKPI Adoption Society is dated 14th August 2014. 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 himself appears to have bonded well with her and he considers her to be his mother.

3. In the opinion of this court it would be in the best interests of the child that he 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 he 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.

4. 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, L N M, is hereby allowed to adopt the child Baby P I, who shall hereafter be known as P I;

(b) That the said child is hereby presumed to be Kenyan by birth; his date of birth shall be presumed to be 24th August 2008;

(c) That J W and P I W are hereby appointed legal guardians of the child in the event something untoward happens to the applicant;

(d) That the Registrar-General is hereby 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 14TH DAY OF JULY, 2017.

W. MUSYOKA

JUDGE