

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.60 OF 2014

IN THE MATTER OF THE CHILDREN ACT (CAP 141)

AND

IN THE MATTER OF CHILD A.A. aka M. AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

V N

JUDGMENT

1. The applicant V N is aged 44, single and works as an assistant manager at *[particulars withheld]* Company Ltd. She seeks to be allowed to adopt child A.A. aka M. The child, who is aged 4, was abandoned by her mother on 4th March 2011 at Kenyatta National Hospital. Police efforts to trace the mother have not borne any fruit. She was referred to Happy Life Children's Home to which she was formally committed on 26th September 2011 vide Children Court at Nairobi **Care and Protection Case No. 314 of 2011**. On 18th October 2012 she was declared free for adoption by the Child Welfare Society of Kenya, having been placed with the applicant on 28th December 2011. This placement before the declaration offended **section 156** of the **Children Act**.

2. Otherwise, the child is presently in school and has bonded well with the applicant. The applicant has been shown by the report of the Director of Children Services and that of the guardian *ad litem* M N K to be financially, socially, emotionally and economically stable. The best interests of the child will be served by this adoption. This will enable it to grow and develop in a family environment. The applicant will assume all rights and obligations of the parents of the child, and treat it as if it is born to her. The child shall inherit her property. The adoption shall be final and binding during the lifetime of the child, and the applicant will not give it up owing to any subsequent unforeseen behaviour or other changes in it.

3. I am satisfied that all the requirements for a local adoption under the **Children Act, 2001** have been met. I therefore make the following orders:-

- (a) V N is hereby allowed to adopt Child A.A. aka M. who shall henceforth be known as M Z N;
- (b) the child's presumed date of birth shall be 17th July 2010;
- (c) the child shall be presumed to be Kenyan having been abandoned at Kenyatta National Hospital in Nairobi County;
- (d) A N N is hereby appointed the legal guardian of the child should anything happen to the applicants before she is of age;
- (e) the Registrar General is directed to enter this adoption in the Adoptions Register;
- (f) the Director of Immigration Services is hereby ordered to issue M Z N with a Kenyan passport; and
- (g) the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 6th February 2015

A.O. MUCHELULE

JUDGE