



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 219 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY K. J.

JUDGEMENT

1. H. N. is a single applicant, who is a Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby K. J. Her Originating Summons is dated 14th October 2013.
2. K. J. was born at the Rift Valley General Hospital at Nakuru on 25th March 2012 and abandoned there on 26th March 2012 by her birth mother. The incident was reported at the Nakuru Police Station. The child was taken to the African Gospel Church Baby Centre children's home for care and protection, and she was later committed to the home by the children's court. She was placed with the applicant on 15th March 2013.
3. This adoption is being arranged by the Kenya Children's Home Adoption Society, who freed the child for adoption vide their certificate dated 12th February 2013.
4. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Home Adoption Society, the Director of Children Services and the guardian *ad litem*, M M-G. The three have compiled and filed their reports in court. The reports by the Kenya Children's Home Adoption Society, the Director of Children Services and the guardian *ad litem* are dated 29th October 2013, 29th January 2014 and 10th February 2014, respectively.
5. All these reports are favourable and recommend the proposed adoption. The applicant has filed documents that demonstrate that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with her and she considers her to be her parent.
6. 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 parents 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.

7. I am satisfied that all the legal requirements for a local adoption have been met, and I will therefore make the following final orders:-
- a. That the consents of the biological parents of the child are hereby dispensed with and the applicant, H. N., is hereby allowed to adopt the child, Baby K. J.;
 - b. That the said child shall hereafter be known as N. N.;
 - c. That N N is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
 - d. That the Registrar-General is directed to enter this adoption order in the adoption register;
 - e. That the guardian *ad litem* is hereby discharged.; and
 - f. That the child shall be presumed to have been born in Kenya and she is therefore Kenyan by birth as she was found abandoned within the Kenyan boundaries. She is entitled to all the rights that accrue to citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 6th DAY OF June 2014.

W. MUSYOKA

JUDGE

In the presence of Ms. Ndegwa advocate for the applicants.