



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
FAMILY DIVISION
ADOPTION CAUSE NO. 185 OF 2018 (O.S.)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY C

BY

EMM(APPLICANT)

JUDGEMENT

1. The Applicant **EMM** moved this court by way of an Originating Summons dated 16th November, 2018 and amended on 19th March seeking for the following orders; -

- a. That **she** be authorised to adopt a minor known as **BABY C**
- b. That the minor upon adoption be known as **MMM**
- c. That **DMM** be appointed as legal guardian of the minor in the event the applicant dies or is incapacitated by ill-health before the minor is of full age and fully self-reliant.
- d. That the Registrar General do enter this adoption in the Adoption Register.

2. Before allowing any adoption, the court would require a guardian *ad litem* be appointed. **GWK** was appointed as *guardian ad litem* on the 31st of January, 2019. The guardian *ad litem* as appointed by court and the Department of Children's Services were required to investigate and file their respective socio inquiry reports on the applicant's suitability and fitness to adopt.

3. The guardian *ad litem* in her report filed on 28th March, 2019 reported that the child has had healthy growth, is well catered for by the applicant and have bonded well. The minor refers to the applicant as "mum". She recommended the applicant as a fit person to adopt the child.

4. In his report filed on 6th of March, 2019 the Director of Children's department echoed the sentiments of the guardian *ad litem*.

The court was further informed that the applicant is aged 47 year having been born on the 2nd of April 1971. She is Kenyan of the Christian faith and works as a [particulars withheld]. She is single, and resides in a three bedroomed apartment, at [particulars withheld]. The applicant does not have a child of her own and her desire to adopt is purely philanthropic.

5. The child is presumed to have be born on the 13th, of October, 2017 in Ruiru. The initial police report indicates that the child was abandoned and rescued by Ruiru Police Officers. Thereafter the child was placed at Hope House Babies' Home and later committed to the same home as a child in need of care and protection on 18th April, 2018. In a letter from Ruiru Police Station dated 21st May 2018 there was an indication that all efforts to trace the child's parents were unsuccessful.

6. The child was declared free for adoption by Buckner Kenya Adoption Services on 14th June, 2018. She was placed with the applicant on 22nd June, 2018 for foster care and has remained with the applicant to-date.

7. Against the above background the court finds the applicant is a fit and suitable person to adopt the child, she has met all the necessary requirements of law and this adoption would be for the best interest of the child. Consequently, the following orders issue;

- a. The Applicant **EMM** be and is hereby authorised to adopt **BABY C** who will upon this adoption be known as **MMM**
- b. **DMM** be and is hereby appointed as the child's legal guardian in the event the applicant dies or is incapacitated before the minor attains the age of 18 years and is self-reliant.
- c. The Registrar General do enter this adoption in the Adoption Register.
- d. The **GWK** guardian *ad litem* is hereby discharged from the duties that had been bestowed upon her by the court.

Dated and Delivered in Nairobi this 30th day of January, 2020.

ALI-ARONI

JUDGE