



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**ADOPTION CAUSE NO. 186 OF 2017**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF ADOPTION OF CHILD A. ALIAS S.**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**S M A ..... APPLICANT**

**RULING**

1. The applicant is a single female applicant seeking to adopt a male child. In the judgment issued by this court on 3<sup>rd</sup> May 2018, the court directed the applicant to file a further affidavit indicating the special circumstances under **section 158(2) (b)** of the Children Act why she should be allowed to adopt the child.
2. On 15<sup>th</sup> May 2018 the applicant filed a letter signed by Whitney Msingo, a social worker at Kenyans for Kenyans Peace Initiative (K.K.P.I), stating that the special circumstance applicable to this case was that the applicant was the only person available to adopt the child. The letter further attached guidelines for special circumstances for prospective adoptive parents adopting children of the opposite gender.
3. I have looked at the guidelines attached to the above referenced letter and the recommendation by the adoption agency KKPI. The recommendations are satisfactory.
4. The court finds that it is in the best interests of the child to be adopted by the applicant. The applicant has demonstrated her ability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was borne to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents as the child was found abandoned.
5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-
  - a) the applicant S M A is hereby allowed to adopt Child A. alias S.;
  - b) Child A. alias S. shall henceforth be known as Z M A;
  - c) the child's date of birth shall be 10<sup>th</sup> June 2014, and the child shall be presumed Kenyan by birth having been found abandoned at Garissa County Referral Hospital in Kenya;
  - d) U A is hereby appointed to be the child's legal guardians in the event of death or incapacity of the applicant before she is of full age and fully self-reliant;

e) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and

f) the guardian *ad litem* is hereby discharged.

**DATED and SIGNED at NAIROBI this 31<sup>st</sup> day of MAY 2018**

**A.O. MUCHELULE**

**JUDGE**