

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 41 OF 2016

IN THE MATTER OF BABY J B (MINOR)

N R M..... APPLICANT

JUDGMENT

1. Dr. N R M the applicant in this adoption cause is seeking to be authorized to adopt **Baby J B** and if allowed the child to be known as **M M M**. She also seeks that the Registrar General be directed to enter the adoption in the Adopted Children Register. That **D M** and **C W** be appointed as the legal guardians of the child.

2. From the statement filed by the applicant this is what I gather: she was born on the 16th November 1962 and raised in Embu though she spent much of her time in Nairobi. She has one child a daughter called K M who is currently about 15 years. She states that her main motivation to adopt is to have her daughter have a sibling as she was raised in a big family and appreciates the support she get from her siblings and she would like her daughter to enjoy the same. She also desires to provide a child with a home and some security. She is not able to have biological children as she is past menopause. That this is the second adoption and she has interacted with other adopting parents. She considers adoption a noble thing as it makes children's who would otherwise grow in a children home without personal attention, love and personal attention.

3. The child was presumably born on 11/06/2010. She was found abandoned beside Kenyatta way on the 13/06/2010. She was rescued by a good Samaritan who reported the matter at Kahawa Sukari Police Station where it was booked as OB/No. [*Particulars withheld*]. The child was presented before the Children's Court at Thika where she was committed and placed under the care of Children Karibuni Organization Thika on 16/12/2010, for care and protection. The child is currently living with the applicant and her daughter in [*particulars withheld*]. The minor was declared free for adoption prior to placement by the KKPI Adoption Society's case committee sitting on 26th November 2014 and a freeing certificate Serial No. [*particulars withheld*] issued pursuant to section 156(1) of the Children's Act 2001. The society recommends that the child be adopted by the applicant. As per the report the applicant was found to be a responsible and caring person given that the proof can be seen in the applicant's first adopted daughter and has demonstrated the ability to take care and provide parental responsibilities to the child for over twelve months. The child was committed to the protection of Karibu Centre and has not been claimed since abandonment.

4. The Director of Children Services filed their report on the 9th June 2017. It gives their findings on the applicant's background and current status. The applicant has been living with the child since 19/01/2015. She has adequately provided for the minor, the applicant is a responsible, mature, emotionally and financially capable to provide for the child. There appears to be perfect bonding between the child and the prospective applicants. The proposed adoption has a wider family and social support from her siblings and extended family.

5. The recommendation from the Director of Children services is as follows; that this is a local adoption under the Children Act 2001 that the applicant has proved capable of taking on parental responsibility over the child in the matter during the statutory placement period prior to adoption during which she has been under her continuous care and control. Socially the applicant qualifies as she has been assessed and found fit to take on the parental responsibilities upon the child permanently as would be conferred on her by the adoption orders sought. She is also in a position to financially provide for the child. She appears to

be able ready and determined to adopt a child who requires and deserves this alternative family care. The child in this matter is considered available for adoption having been abandoned at birth. None of her relatives has so far claimed her. Adoption therefore offers her the perfect alternative family. In this proposed adoption, she stands to gain a parent. She is doing well under the care of the prospective adoptive parents whom she has also bonded well with. Adoption would certainly be in her best interests. She has been duly declared free for adoption. The report therefore recommends that the court ruled in favor of the applicant to adopt the child and on adoption the child will be renamed M M M

6. J N K the Guardian ad Litem in her report dated 10th July 2017 2017 states that the child has bonded well with the applicant and her sibling K. They agree on many matters and she looks generally happy and comfortable. The child is very well looked after, she is smartly dressed and her hair well-kept and also looks very healthy. That the applicant seems capable of raising the child and as per the decision of the court, she has no objection to her being granted orders to adopt the child.

7. I have considered the all that is before me together with the interview done in court and am persuaded that the applicant is suitable to adopt the minor. The child was abandoned and the applicant has taken her in loves and is caring for her. This is also a local adoption and the applicant has complied with the provisions of the law on adoption, the adoption shall be in the best interest of the child. The Applicant **Dr. N R M** is hereby allowed to adopt baby **J B**. She shall henceforth be known as **M M M. D M and C W** shall be the legal Guardian of the child should misfortune befall the applicants. I direct the Registrar General to enter this order in the adoption register. The Guardian ad Litem is hereby discharged. It is so ordered.

Dated, signed and delivered this **4th** day of **August 2017**

R. E. OUGO

JUDGE

Ms. L. Kiguatha For the Applicant

Ms Charity Court clerk