

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 167 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY M B B

JUDGEMENT

1. The applicant, J E K, is of Kenyan nationality. By her Originating Summons dated 19th June 2014, she seeks to adopt a female child called Baby M B B.
2. The subject child, Baby M B B, was found abandoned at the Kakamega Forest on 17th March 2012. A report of the abandonment was made at the Kakamega Police Station. The child was thereafter admitted at the PEFA Rehema Children's Homes, where she was later committed by the Children's Court. The police were unable to trace the child's biological parents. She was placed with the applicant on 3rd October 2012. It is presumed that the child was born on 3rd March 2012.
3. This adoption is being arranged by the Little Angels Network adoption agency. The said adoption agency declared the child free for adoption through their certificate of 3rd October 2012.
4. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the guardian *ad litem*, Wambui Ndungu and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services is dated 8th May 2015, while that by the Little Angels Network is dated 3rd October 2012. The report of the guardian *ad litem* is undated, but was filed in court on 15th July 2015.
5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial capacity 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 become a useful member of the family and the society at large. 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. Consequently, I hereby allow the applicant, J E K, to adopt Baby M B B, to be known hereafter as N E. I hereby appoint S W K, the child's legal guardian should misfortune befall the applicant during the child's minority. I further declare that the child shall be deemed to be Kenyan by birth as she was found abandoned within Kenyan borders. I direct the Registrar-General to enter this

adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 29TH DAY OF JANUARY, 2016.

W. MUSYOKA

JUDGE