



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 130 OF 2014 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY A S**

**JUDGMENT**

1. I delivered a ruling on 7<sup>th</sup> April 2016 where I put off making the final order on the adoption sought by the applicant, to await proceedings to be undertaken on the applicant's alleged marriage to Mr L.
2. The issue of the marriage arose as the said Mr L had been nominated by the applicant as legal guardian of the child to be adopted. The court's concern was the great age between the child and Mr L, and his ability in future to care for the child in the event of misfortune. The court needed to be satisfied that there was a valid marriage between the applicant and the said Mr L, before the latter could be appointed legal guardian.
3. The applicant has filed an affidavit sworn by her on 25<sup>th</sup> July 2016. She has withdrawn the nomination of Mr L and replaced him with her brother, FMM. Attached to her affidavit is a consent to act as legal guardian signed by the nominee.
4. I am consequently satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

**(a) That the applicant, D S M, is hereby allowed to adopt the child Baby A S, who shall hereafter be known as A A E M;**

**(b) That the subject child shall be presumed to be Kenyan by birth as she was found abandoned within Kenyan borders;**

**(c) That F M M is hereby appointed legal guardian of the child in the event something untoward happens to the applicant;**

**(d) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**

**(e) That the guardian *ad litem* is hereby discharged.**

**DATED, SIGNED and DELIVERED at NAIROBI this 23<sup>RD</sup> DAY OF SEPTEMBER, 2016**

**W. MUSYOKA**

**JUDGE**