

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 168 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY J

JUDGEMENT

1. The applicant, RWM, is a Kenyan citizen. She is single. She seeks to adopt Baby J. Her Originating Summons is dated 21st June 2015.

2. The child in question was born on 21st May 2014 at the Kenyatta National Hospital by a mother called FWN. The biological mother gave up the child for adoption and signed a relevant consent. She stated that she was financially incapable of raising the child. The child was handed over to and admitted at the Kenya Children's Home, for care and protection. She was eventually formally committed to that institution by the Nairobi Children's Court.

3. The child was freed for adoption by the Kenya Children's Home adoption society by their certificate number [Particular Withheld] of 15th October 2014. The child was placed with the applicant on 25th November 2014.

4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Home, the Director of Children Services and the guardian *ad litem*, CWM. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 25th February 2016, while that of the guardian *ad litem* is dated 21st March 2014. The report by the Child Welfare Society of Kenya is dated 26th January 2016.

5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child himself appears to have bonded well with her and he considers her to be his mother.

6. In the opinion of this court it would be in the best interests of the child that he 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 be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; she shall treat the adopted child as if he 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. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

(a) That the applicant, RWM, is hereby allowed to adopt the child Baby J, who shall hereafter be known VWW;

(b) That the said child is hereby declared to be Kenyan by birth; her date of birth is 21st May 2014.

(c) That CWM 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 25TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE