

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 150 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY FG

JUDGEMENT

1. The applicant, CKMG, is a Kenyan citizen. She is single. She seeks to adopt Baby FG. Her Originating Summons is dated 7th May 2015.

2. The child in question was born on 20th December 2008 at the Fatima Maternity Hospital to a mother called PW. The biological mother disappeared abandoning the child at the hospital. There is on record a handwritten letter dated 13th November 2008 allegedly written by the said PW indicating that upon delivery at Fatima Mission Hospital she would be surrendering the child to whoever pleased. There is also a handwritten version of it, dated 27th September, complete with supporting signatures of the child's grandmother and another. At the bottom of the letter is a hand-written endorsement by the same hand, allegedly made on 21st December 2008, indicating that she had left the child at the hospital. The hospital reported an abandonment case at the Ongata Rongai Police Station and who had the child transferred to the Thomas Barnados House, 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 [Particulars Withheld] of 10th September 2014. The child was placed with the applicant on 29th October 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*, MM. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 23rd May 2016, while that of the guardian *ad litem* is dated 14th September 2016. The report by the Child Welfare Society of Kenya is dated 18th June 2015.

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 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 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 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. 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, CKMG, is hereby allowed to adopt the child Baby FG, who shall

hereafter be known JMK;

b. That the said child is hereby declared to be Kenyan by birth; her date of birth is 20th December 2008;

c. That AWM and KMM are hereby appointed legal guardians 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