



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 113 OF 2014**

**IN THE MATTER OF THE CHILDREN ACT NO. 8 OF 2001**

**AND**

**IN THE MATTER OF CHILD M.W. aka T. (INFANT)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY D A O**

**JUDGMENT**

1. The applicant D A O is a Kenyan, aged 32, and a single lady working as an Operations Officer at *[particulars withheld]* Bank. She seeks to be allowed to adopt child M.W. aka T. The child is aged 2 years 7 months and was born on 13<sup>th</sup> February 2012 at Thika District Hospital to one M W N who abandoned her on 16<sup>th</sup> February 2012. The incident was reported at Thika Police Station and recorded as OB.28/6/3/2012. Police efforts to trace the mother have been futile. The child was referred to Thomas Barnados Home from Thika District Hospital on 6<sup>th</sup> March 2012 and formally committed to the said home on 21<sup>st</sup> March 2012 by the Children's Court at Thika vide **Care and Protection Case No. 46 of 2013**. On 16<sup>th</sup> October 2012 the child was declared free for adoption by Kenya Children's Home Adoption Society and later placed with the applicant on 4<sup>th</sup> December 2012. She has been under the care of the applicant since then.
2. The reports filed in court by the Director of Children Services and the guardian *ad litem* D J N O show the applicant to be financially, socially, emotionally and morally stable. The child is reported to have bonded well and the two enjoy a good relationship. This Court is of the view that the best interests of the child will be served by this adoption as it will enable the child grow and develop in a family environment as opposed to life in an institution. The applicant will assume all the rights and obligations of the parents of the child, and treat the child as if it was born to her. The child will be entitled to inherit her property. Further, this adoption shall be final and binding during the child's lifetime, and the applicant will not give it up owing to any subsequent unforeseen behavior or other changes.
3. The mother's consent is hereby dispensed with as she absconded and abandoned the child and her whereabouts are unknown. This Court is satisfied that the applicant has met all the requirements for a local adoption under the **Children Act, 2001**. The following orders shall issue:-
  - a. D A O is hereby allowed to adopt child M.W. aka T. who shall henceforth be known as J Z A O;
  - b. J A N O is hereby appointed the legal guardian of the child should anything happen to the applicant before the child is of age;
  - c. the Registrar General is directed to enter this adoption in the Adoptions Register;
  - d. the Director of Immigration is hereby ordered to issue J Z A O with a Kenyan Passport; and
  - e. the guardian *ad litem* is hereby discharged.

**DATED at NAIROBI this 13<sup>th</sup> day of March 2015.**

**A.O. MUCHELULE**

**JUDGE**