



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 253 OF 2014 (OS)
IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
IN THE MATTER OF ADOPTION OF BABY J T

BY

G M A (APPLICANT)

JUDGMENT

1. The Applicant G M A, is a Kenyan citizen. She is single and has no child of her own. She wishes to adopt the child known as Baby J T, a minor of the female sex through the Originating Summons dated 24th October 2014. The Applicant indicates that she is a Global HR Advisor with *[particulars withheld]*. She resides at *[particulars withheld]* - Estate in Nairobi.
2. The child who is the subject of this adoption proceedings was found abandoned at infancy. She was rescued by a Good Samaritan at Maseno Blue House in *[particulars withheld]* Sub location, Maseno within Kisumu West District on 27th November 2012 who made a report at Maseno Police Station. An entry was made to that effect vide OB 8/27/11/2012 of Maseno Police Station. The Good Samaritan then handed the child over to a Volunteer Children's Officer, one David Anguche. The child was admitted at the Charitable Children Institution on 27th November, 2012 for care and protection. She was later officially committed to New Life Home Trust - Kisumu on the 29th November 2012, by the Senior Resident Magistrate Maseno Children's Court, vide C&P Case No. 72 of 2012. The biological parents of the child were not traced.
3. The child was released into the custody of the Applicant for mandatory foster care pending adoption on 28th June 2013. Since then she has been in the continuous custody and care of the applicant. Prior to the hearing of the adoption application, Little Angels Network, an adoption society, prepared and filed a report in court and also issued a certificate dated 19th June 2013 declaring the child free for adoption.
4. The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the Applicant is financially and emotionally capable of providing for the up keep and education of the child. The Director of Children's Services also filed a report dated 19th February 2015 recommending the adoption, for reasons that the child stands to gain from the opportunities available to her by becoming the daughter of the Applicant, as opposed to life in an institution. The guardian ad litem, M/s. B K also filed a report that was favourable and recommended the adoption of the child by the Applicant
5. After a careful assessment of the reports filed herein and from the observation of the interaction of

the Applicant and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicant. The child was in court during the hearing and appeared to have bonded well with the Applicant. She clearly considered her as her parent. The Applicant's immediate family is supportive of the adoption application and being aged 41 years old she is older than the child by more than 21 years as required by the law.

6. In the premise I allow the application brought by way of Originating Summons dated 24th October 2014 and order as follows:

- i. The Applicant M G A is hereby allowed to adopt baby **J T**, who shall henceforth be known as **G M N**.
- ii. Her date of birth is presumed to be 23rd November 2012.
- iii. She is presumed to have been born in Kenya and the place of birth shall be Maseno, Kisumu.
- iv. T W K, a sister-in-law to the Applicant is hereby appointed legal guardian of the child in the event that the Applicant dies or is incapacitated by ill-health.
- v. I direct the Registrar General to enter this order in the Adoption Register.
- vi. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED and DELIVERED in open court this **13th** day of **March** 2015.

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L. A. ACHODE

JUDGE