



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 188 OF 2001**

**IN THE MATTER OF ADOPTION OF BABY M R alias P M (MINOR)**

**BY**

**M S. I S (APPLICANT)**

**JUDGMENT**

1. The applicant **M S** is a single lady and would like to adopt a healthy, female child from 3-6 months. She says she loves children and would like to have her own child to experience the joy of being a parent. She says she has friends who have adopted children and she has thus considered sharing her love with a child. The applicant has provided a police clearance certificate with the criminal investigations department of the Kenya Police as proof that she has no criminal record. The certificate is dated 12<sup>th</sup> September 2013 and bears serial number *[particulars withheld]*. She has undergone medical evaluations and has been declared to be in general good health, the Doctor points out that she suffers from Hormonal problem (sic) and premature ovarian failure. She seeks to be authorised to adopt baby **M R** and upon making the adoption the child be called **N S L S** and that **A A** and **J S** (brother and sister In-law to the applicant) be appointed the legal Guardians of the child.
2. The child in this matter is said to have been born on 4/7/2013 and abandoned on 5<sup>th</sup> July 2013 in Kisumu. The matter was reported to Kisumu Police Station vide OB No. 24/7/8/2013. The child was rescued by police at around 1.30 pm and taken to Mama Ngina Children's Home and later referred to New Life Home Kisumu for protection and care where she was admitted on 2/8/2013. Later the child was committed to the same home on 21<sup>st</sup> August 2013. The child has been under the care and control of the applicant since 21<sup>st</sup> March 2014.
3. The child was declared free for adoption by Little Angels Network Adoption Society on 26<sup>th</sup> February 2014 as per section 156 of the Children Act 2001. This is confirmed by certificate serial No. *[particulars withheld]*.
4. The report from the adoption agency was filed on the 3<sup>rd</sup> September 2014. The Director of Children's Services also filed a report on 12<sup>th</sup> December 2014 and the guardian ad litem, B W O filed her report on 23<sup>rd</sup> October 2014. Although both reports were favourable and recommended the adoption of the child by the applicants the Director noted that the committal order committing the child to new life Kisumu did not have a court case number putting the authenticity of the document in question. This was however clarified when the matter came to court on 6<sup>th</sup> February 2015 as 242 of 2012. She advises the once the above issue is addressed to the satisfaction of the court the Director finds the prospective adoptive mother suitable to adopt the child.
5. 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 to provide for the up keep of the child.
6. 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 Applicants. The application is therefore allowed. The Applicant **M I S** is hereby allowed to adopt baby **M R**. The child shall henceforth be known as **N S L S**. **A A** and **J S** shall be the legal Guardians of the child should misfortune befall the applicant. I direct the Registrar General to enter this order in the adoption register. The child

was born in Kenya and is therefore a Kenyan by birth and is entitled to all the rights that accrue to Kenyan Citizens under the Kenya Constitution 2010 and the Kenya citizenship and immigration Act. I hereby discharge the Guardian ad litem.

It is so ordered.

Dated signed and delivered this **12<sup>th</sup>** Day of **March**, 2015.

**R. E. OUGO**

**JUDGE**

In the Presence of:

.....**Applicant**

.....**Court clerk**