

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.207 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY A

JUDGMENT

1. The applicant **E M M** seeks to be allowed to adopt **Baby A**. She also seeks that upon making the adoption Baby Ava be known as **M N**. She also seeks that **F K M** and **A M K** be appointed legal guardians of the child in the event of death or incapacity of the applicant.
2. The applicant was born in 1978, is a Kenyan by birth, single and does not have a biological child of her own; she is a business woman by profession, a Christian with no criminal record and of generally good health.
3. The child was found abandoned near City Cabanas Nakumatt within Nairobi on 18th December 2010 and she came to her custody in July 2011. She was taken to Embakasi Police station by good Samaritans and was placed in the care of Kenyan Christian Homes (Thomas Barnado House) on the same day. Baby A was committed for protection and care in case no. 28 of 2011 on 28th February 2011. Baby A was declared free for adoption by Kenyan Children's Home Adoption Society on 28th July 2011 and issued with a Certificate No. *[particulars withheld]*.
4. The report by Kenyan Children's Homes was filed in court on 25th October 2013. The report is positive and recommends the adoption of the minor by the applicant. The children's department filed its report on 23rd September 2014. The officer observed that bonding had occurred between the child and the applicant and they enjoy a mother daughter relationship. That the applicant is in business and has adequate income to meet the child's needs and recommends the applicant adopting baby A.
5. It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child. This court is satisfied that the applicant is qualified and able to take care of the child. It is evident that the applicant is financially stable and capable to provide for the upkeep and education of the child. It was evident that in the period that the applicant had the custody of the child, the child has bonded well with her.
6. This court finds that it would be in the best interest of the child to be adopted by the applicant. I therefore allow the application for adoption. The Applicant **E M M** is hereby allowed to adopt **Baby A** who shall be called **M N**. **F K M** and **A M K** 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 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 order.

Signed, dated and delivered this 30th Day of *April* 2015.

R. E. OUGO

JUDGE

In the presence of:

.....**For the Applicant**

.....**Court Clerk**