

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 85 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF C A (MINOR)

JUDGEMENT

1. The applicant, M W M, is of Kenyan nationality. By her Originating Summons dated 15th April 2013, she seeks to adopt a female child called C A.
2. The subject child, C A, was born on 5th August 2010 at the Pumwani Maternity Hospital to a mother who abandoned her at the hospital. The matter of the abandonment was reported at the Shauri Moyo Police Station on 5th August 2010. After discharge from hospital, the child was admitted at the New Life Home Trust, where she was later to be committed by the Nairobi Children's Court. Police records availed in court indicate that efforts to locate the birth mother of the child were unsuccessful. The child was placed with the applicant on 22nd February 2012.
3. This adoption is being arranged by the Little Angels Network adoption agency. The said adoption agency declared the child free for adoption by their certificate of 16th March 2011.
4. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the guardian *ad litem*, G W M and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services dated 10th June 2014, while that by the Child Welfare Society of Kenya is dated 11th October 2011. The report of the guardian *ad litem* is dated 4th November 2014.
5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial capacity and emotional capability and capacity to take care of the child. The child appears to have bonded well with her and she considers her to be her parent.
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 become a useful member of the family and the society at large. Consequently, the applicant shall assume all parental rights and duties of the biological parents 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. Consequently, I hereby allow the applicant, M W M, to adopt C A, to be known hereafter as H W W. I hereby appoint G W M, the child's legal guardian should misfortune befall the applicant during the child's minority. The child is hereby declared Kenyan by birth as she was born to a known Kenyan parent. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

Dated, signed and delivered at Nairobi on this 17th day of April 2015.

W. MUSYOKA

JUDGE

In the presence of Mr. Wati advocate for the applicants.