

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI
ADOPTION CAUSE NO. 123 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)

AND

IN THE MATTER OF BABY M A

JUDGEMENT

1. The applicant, J N K, is of Kenyan nationality. By her Originating Summons dated 11th April 2014, she seeks to adopt a female child known for the purpose of these proceedings as Baby M A.
2. The subject child, Baby M A, was found abandoned on 14th December 2011. The matter of the abandonment was reported at the Githurai Chief's Camp and at the Kasarani Police Station. She was committed to the Seed in His Garden Children's Home 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 September 2013. It is presumed that she was born on 12th December 2011.
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 21st August 2013.
4. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the guardian *ad litem*, H N K-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 is dated 24th October 2014, while that by the Little Angels Network is dated 17th July 2013. The report of the guardian *ad litem* is dated 22nd September 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, J N K, to adopt Baby M A, to be known hereafter as M W K. I hereby appoint E W W the child's legal guardian should misfortune befall the applicant during the child's minority. The child is presumed to be Kenyan by birth as she was found abandoned within Kenya. 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 this 29TH DAY OF MAY, 2015.

W MUSYOKA

JUDGE

.....advocate for the applicants-present