



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 80 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY P M alias D P[minor]

JUDGEMENT

1. M W M is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby P M alias D P[minor]. Her Originating Summons is dated 8th April 2013.
2. Baby P M alias D P[minor] was given up for adoption by her biological mother, M A O. She was born on 16th February 2012. The natural mother approached the Little Angels Network adoption agency and indicated that she was unable to care for the child as she was single and unemployed. She signed an initial consent to give up the child for adoption and a certificate of acknowledgement. The child was thereafter placed with the New Life Trust Kisumu, where she was later formally committed by the court. She was placed with the applicant on 20th September 2012.
3. This adoption is being arranged by the KKPI Adoption Society. The child was freed for adoption by the Little Angels Network vide their certificate dated 19th September 2012.
4. To facilitate this adoption, the applicant has been assessed by the KKPI Adoption Society of Kenya, the Director of Children Services and the guardian *ad litem*, H M. The three have compiled and filed their reports in court, dated 21st May 2013, 27th August 2013 and 16th September 2013, respectively.
5. All these reports are favourable and recommend the proposed adoption. The applicant has filed documents that demonstrate that she has the financial 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 be a useful member of the family. 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. I am satisfied that all the legal requirements for a local have been met. The consent of the biological father of the child is hereby dispensed with. The applicant, M W M, is hereby allowed to adopt the child, Baby P M alias D P[*minor*]. She shall hereafter be known as H M M[*minor*]. J N M is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.
8. The child was born in Kenya to a known Kenyan parent and she is therefore Kenyan by birth. She is entitled to all the rights that accrue to citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 31st DAY OF January, 2014

W. MUSYOKA

JUDGE