

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 60 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY B.A

JUDGMENT

1. A.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 B.A. Her Originating Summons is dated 26th March 2012.
2. Baby B.A was abandoned by her parents. She is presumed to have been born on 11th December 2008. She was abandoned by a police officer in [particulars withheld] forest. She was found by a police officer who took her to Kenyatta National Hospital and the matter was reported at the Kabete Police Station. She was placed with the Imani Children's Home where she was admitted for care and protection. The children's court later formally committed her to that institution. She was placed with the applicant, for the mandatory bonding period on 8th December 2010.
3. This background is set out in the statement in support of the application as well as the affidavit of the applicant verifying the statement, and in the documents prepared and filed in court by the KKPI Adoption Society dated 6th June 2012.
4. She was freed for adoption by the KKPI Adoption Society by their certificate dated 25th November 2010.
5. To facilitate this adoption, the applicant has been assessed by the KKPI Adoption Society, the Director of Children Services and the guardian *ad litem*, F.M.M. These three have compiled and filed their reports in court, dated 5th October 2011 and 16th September 2013, respectively.
6. 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 the applicant and she considers her to be her parent.
7. 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.

8. I am satisfied that all the legal requirements for a local adoption have been met. The court allows the applicant's application to adopt the child. The consent of the biological parents of the child is hereby dispensed with. The applicant, A.M, is hereby allowed to adopt the child, Baby B.A. She shall hereafter be known as B.M.M. F.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 accordingly discharged.
9. As the child was found abandoned at [particulars withheld] Nairobi, Kenya, I declare that she shall be presumed to be Kenyan by birth in accordance with the provisions of the Kenya Citizenship and Immigration Act, 2011.

DATED, SIGNED and DELIVERED at NAIROBI this 20th DAY OF June 2014.

W MUSYOKA

JUDGE

In the presence of Mr. Mwangi for Mrs. Ratemo advocate for the applicants.