



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI
ADOPTION CAUSE NO. 75 OF 2012 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY I.G
JUDGEMENT

1. S.A.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 I.G. Her Originating Summons is dated 24th April 2012.
2. Baby I.G was abandoned by her parents immediately after birth. She is presumed to have been born on 4th August 2004. She was found at a farm in the Gatunyu area on 4th August 2004. The matter was reported at the Thika Police Station. She was placed with the New Life 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 4th November 2004.
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 Little Angels Network adoption society dated 13th July 2011.
4. She was freed for adoption by the Little Angels Network by their certificate dated 25th November 2010.
5. To facilitate this adoption, the applicant has been assessed by the Director of Children Services and the guardian *ad litem*, A.A.A. These two have compiled and filed their reports in court. The report by the Director of Children Services is dated 28th January 2013, while that by the guardian *ad litem* is undated.
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. I do note too that the applicant has two biological children.

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, and makes the following final orders

- a. That The applicant, S.A.W.M, is hereby allowed to adopt the child, Baby I.G, who shall shall hereafter be known as M.N.T;
- b. That the consent of the biological parents of the child is hereby dispensed with;
- c. that C.O is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
- d. that The Registrar-General is directed to enter this adoption order in the adoption register;
- e. that The guardian *ad litem* is accordingly discharged; and
- f. That as the child was found abandoned at Gatunyu, Thika, 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