



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 127 OF 2012 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY J.M.N**

**JUDGEMENT**

1. T.W.N 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 J.M.N. Her Originating Summons is dated 18<sup>th</sup> June 2012.
2. Baby J.M.N was born and abandoned at the Thika District Hospital by her birth mother and abandoned there the same day. Her date of birth was recorded at the hospital as 22<sup>nd</sup> June 2009. A report of the matter was made at the Thika Police Station on 14<sup>th</sup> July 2009. The child was referred to the Thomas Barnados Children's Home. She was later committed to the institution by the Children Court. Her biological parents were never found. She was placed with the applicant, for the mandatory bonding period 8<sup>th</sup> March 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 Kenya Children's Homes adoption society on 18<sup>th</sup> July 2012.
4. She was freed for adoption by the Kenya Children's Homes by their declaration dated 16<sup>th</sup> February 2010.
5. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, D.N.M. These three have compiled and filed their reports in court, dated 12<sup>th</sup> July 2012, 19<sup>th</sup> February 2014 and 17<sup>th</sup> April 2014, 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, and I therefore make the following orders:-
  - a. That the court allows T.W.N to adopt the child Baby J.M.N;
  - b. That the consent of the biological parents of the child is hereby dispensed with;
  - c. The said child shall hereafter be known as J.M.N.N;
  - d. That C.W.K is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
  - e. That the Registrar-General is directed to enter this adoption order in the adoption register;
  - f. That the guardian *ad litem* is hereby accordingly discharged; and
  - g. That the child is hereby 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 13<sup>th</sup> DAY OF June 2014.**

**W MUSYOKA**

**JUDGE**