



IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 315 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF E N

JUDGMENT

1. R L N M 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 E N. Her Originating Summons is dated 16th December 2013.
2. E N was born on 18th December 2000 at Communication Clinic in Embakasi, Nairobi. She was abandoned at the clinic on the same day by her mother. A report of the abandonment was made the same day at the Embakasi Police Station. Efforts to trace the birth mother of the child were not fruitful. The child was subsequently admitted at the Thomas Barnados House for care and protection, to which institution she was later formally committed by the Nairobi Children's Court. She was placed with the applicant for the pre-adoption bonding period on 26th July 2002.
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 14th February 2014.
4. The child was freed for adoption by the Kenya Children Homes by their declaration certificate dated 12th September 2013.
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*, R S N. These three have compiled and filed their reports in court. The report by the Kenya Children's Homes is dated 13th February 2014, while that by the Director of Children services is dated 17th April 2014. The guardian *ad litem*'s report 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.

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 the application by R L N M M to adopt the child Baby E 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 H L M M;
 - d. That L N M and S W N are hereby appointed the legal guardians of the child in the event of the untoward happening to the applicant during the minority of the child;
 - 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 on account of having been born in Kenya.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF August 2014.

W. MUSYOKA

JUDGE

In the presence of advocate for the applicants.