

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 261 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J G N alias E

JUDGEMENT

1. The applicant, E A H is a citizen of the United States of America, who is currently resident in Kenya. This is therefore a foreign resident application. The applicant's Originating Summons is dated 30th October 2013, seeking the court's permission to adopt the Kenyan female child known for the purpose of these proceedings as Baby J G N alias E.
2. Baby J G N alias E, the subject of these adoption proceedings, was abandoned by her birth mother at the [particulars withheld] Hospital immediately after birth on 9th October 2009. The matter was reported at the Machakos Police Station on 9th October 2009. The child was thereafter released to the Springs of Hope Children's Home for care and protection. She was placed with the applicant on 1st October 2012. The birth mother of the child was never traced.
3. This adoption is being arranged by the Little Angels Network adoption agency, which filed in court a report on the background given above. The report is dated 20th February 2013. The child was declared free for adoption by the Little Angels Network by their certificate dated 20th February 2013.
4. To facilitate the adoption the applicant has been assessed by the Little Angels Network, the Director of the Children's Services and the guardian *ad litem*, D E N, who have reports dated 15th August 2012, 13th March 2014 and 6th March 2014, respectively. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional 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.
5. In the opinion of this court it would be in the interests of the child that the child 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 will be required to 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.
6. I am satisfied that all the legal requirements for residency adoption have been met. The applicant, E A H, is hereby allowed to adopt the child, Baby J G N alias E. Her name shall hereafter be M-E J A H. I hereby appoint J I G H and P H H legal guardians of the child should anything untoward happen to the applicant during the child's minority. The Registrar-General is directed to enter this adoption order in the

adoption register. The guardian *ad litem* is hereby discharged. As the child was born at Machakos to a known Kenyan mother, she is hereby declared to be Kenyan by birth.

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

W. MUSYOKA

JUDGE

In the presence of Mr. Kamenchu advocate for the applicants.