



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 197 OF 2013 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY M *alias* A**

**JUDGEMENT**

1. A N O is a single applicant, who is a Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby M *alias* An. Her Originating Summons is dated 2<sup>nd</sup> September 2013.
2. Baby M *alias* A was abandoned on 12<sup>th</sup> July 2012 at a bus stage at Lunga Lunga by her birth mother, who left her with another woman called A K. A report of the abandonment was made the same day at the Industrial Area Police Station. Efforts to trace the birth mother of the child were not fruitful. The child was subsequently admitted at the Hope House for Babies Home for care and protection, to which institution she was later formally committed by the Makadara Children's Court. She was placed with the applicant for the pre-adoption bonding period on 14<sup>th</sup> December 2012.
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 on 19<sup>th</sup> August 2013.
4. The child was freed for adoption by the Little Angels Network by their declaration certificate dated 20<sup>th</sup> March 2013.
5. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, M I M. These three have compiled and filed their reports in court. The report by the Little Angels Network is dated 13<sup>th</sup> February 2014, while that by the Director of Children Services is dated 16<sup>th</sup> May 2014. The guardian *ad litem*'s report is dated 16<sup>th</sup> June 2014.
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 the application by A N O to adopt the child Baby M *alias* A.
  - b. That the consent of the biological parents of the child is hereby dispensed with;
  - c. The said child shall hereafter be known as E M M;
  - d. That Phoebe A. Atieno 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 on account of having been found abandoned in Kenya.

**DATED, SIGNED and DELIVERED at NAIROBI this 21<sup>st</sup> DAY OF November 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Miss. Ingonga for Mr. Ogutu advocate for the applicants.**