



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 176 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF M M, A CHILD

JUDGEMENT

1. A L W T is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as M M. Her Originating Summons is dated 16th March 2013.
2. M M was abandoned on 7th August 2011 with a stranger in Dandora estate, Nairobi. . A report of the abandonment was made the same day at the Pangani Police Station. Efforts to trace the birth mother of the child were not fruitful. The child was subsequently admitted at the Nest Children's Home 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 10th February 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 4th September 2013.
4. The child was freed for adoption by the Little Angels Network by their declaration certificate dated 8th February 2012.
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*, W K M. These three have compiled and filed their reports in court. The report by the Little Angels Network is dated 7th February 2011, while that by the Director of Children Services is dated 16th May 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 hereby allows the application by A L W T to adopt the child Baby M M;
- b) That the consent of the biological parents of the child is hereby dispensed with;
- c) The said child shall hereafter be known as A N T;
- d) That N T 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 11th DAY OF December 2014.

W MUSYOKA

JUDGE

In the presence of Mr. Ndirangu for Mr. Wainaina advocate for the applicants.