

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 24 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J K

JUDGEMENT

B N R 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 K (minor). Her Originating Summons is dated 27th January 2012.

Baby J K (minor) was abandoned by her parents. She was abandoned by her biological mother at (particulars withheld) following an admission at the hospital. Her biological father is unknown. Her estimated date of birth is 16th June 2006. The matter was reported at the Kenyatta Police Post. The police referred her to the Thomas Barnados Children's Home where she was admitted for care and protection. The children's court later formally committed her to that institution. She was placed with the applicant, for the mandatory bonding period on 17th July 2008. Consequently, she was freed by the Kenya Children's Home adoption society by their certificate dated 14th May 2008. This background is set out in the statement in support of the application as well as in the affidavit of the applicant verifying the statement.

To facilitate this adoption, the applicant has been assessed by the Kenya Children's Home adoption agency, the Director of Children Services, and the guardian *ad litem*, A.K.N. The Kenya Children's Home adoption agency's report is dated 28th September 2009, while that of the Director of Children Services is dated 24th September 2012. The report of the guardian *ad litem* is undated. 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 her and she considers her to be her parent.

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.

I am satisfied that all the legal requirements for a local adoption have been met. The court allows the applicant's application to adopt the child. The consent of the biological parents of the child is hereby dispensed with. The applicant, B N R, is hereby allowed to adopt the child, Baby J K. She shall hereafter be known as S K R (minor). J M R is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant. The Registrar-General is directed to enter this adoption order in the

adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 21st DAY OF June, 2013.

W. MUSYOKA

JUDGE