



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO.31 OF 2012 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY B also known as B H N (minor)**

**JUDGEMENT**

M M N 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 B also known as B H N (minor). Her Originating Summons is dated 27<sup>th</sup> January 2012.

Baby B also known as B H N is an abandoned child. She is estimated to have been born on (*particulars withheld*). She is said to have been abandoned by her mother at the H M N H (*particulars withheld*) by her mother on 7<sup>th</sup> February 2005. The matter of her abandonment was reported at the Huruma Police Post, from where he was referred to the Missionaries of Charity Home for care and protection. The children's court was to later formally commit him to that institution on 17<sup>th</sup> August 2005. She was placed with the applicant and her former husband, W I N, for the mandatory bonding period on 16<sup>th</sup> February 2007. The applicant's former husband separated from the applicant after her co-wife died and the former husband decided to go back to her six biological children, leaving the child under the sole care of the applicant. Police records indicate that she has not so far been claimed by anyone. Consequently, she has been freed by the Child Welfare Society of Kenya by their certificate dated 7<sup>th</sup> December 2011. This background is set out in the statement in support of the application as well as the affidavit of the applicant verifying the statement.

To facilitate this adoption, the applicant has been assessed by the Child Welfare Society of Kenya, the guardian *ad litem*, A.N.C, and the Director of Children Services. The three have compiled and filed their reports in court, dated 9<sup>th</sup> December 2011, 15<sup>th</sup> March 2012 and 10<sup>th</sup> December 2012, respectively. 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 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, M M N, is hereby allowed to adopt the child, Baby B also known as B H N (minor). She shall hereafter be known as B H N (minor). The applicant has intimated that she has addressed the issue of the guardianship of the child elsewhere, which was communicated to the court in confidence. 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 28th DAY OF June, 2013.**

**W.M. MUSYOKA**

**JUDGE**