

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 41 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY R W [minor]

JUDGEMENT

S N 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 R W [minor]. Her Originating Summons is dated 15th February 2012.

Baby R W [2013] was abandoned on 27th May 2010 [*particulars withheld*] village. The matter of the abandonment was reported at the Kabete Police Post, from where she was referred to the Thomas Barnados Children's Home for care and protection. The children's court later formally committed her to that institution on 27th October 2010. She was placed with the applicant for the mandatory bonding period on 11th July 2010. She was consequently freed by the Kenya Children's Homes adoption society by their certificate dated 9th June 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 Director of Children Services and the guardian *ad litem*, A. M. M. These two have compiled and filed their reports in court, dated 15th October 2012 and 4th December 2012, respectively. There is also the report of the Kenya Children's Homes adoption society dated 5th February 2012. 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. I note that the applicant has a biological child of her own.

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, S N N, is hereby allowed to adopt the child, Baby R W [minor]. She shall hereafter be known as R W N [minor]. A N N and E N are hereby appointed the legal guardians 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. The child shall be presumed to have

been born on 29th October 2008 and a Kenyan by birth as she was found abandoned within the Kenyan boundaries.

DATED, SIGNED and DELIVERED at NAIROBI this 26th DAY OF September, 2013.

W.M. MUSYOKA

JUDGE