



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 43 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)
AND
IN THE MATTER OF BABY E M A

JUDGEMENT

1. E A O 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 E M A. Her Originating Summons is dated 15th February 2012.
2. Baby E M A was found abandoned on 25th May 2010 at some point between Kericho and Keroka. A report was made at the Kericho Police Station, from where the child was referred to the Kericho District Hospital for medical check-up. At the time of her abandonment she was about two months old, and it is estimated that she was born on 27th March 2010. The Kericho Children's Court committed her to the New Life Home for care and protection.
3. This adoption is being arranged by the Kenya Children's Homes adoption society, who freed the child for adoption vide their certificate dated 9th June 2011.
4. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, F D A O. The three have compiled and filed their reports in court, dated 19th September 2012, 13th October 2013 and 14th August 2013, respectively.
5. 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.
6. 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.

7. I am satisfied that all the legal requirements for a local have been met. The consent of the biological parents of the child is hereby dispensed with. The applicant, E A O, is hereby allowed to adopt the child, Baby E M A. She shall hereafter be known as H A A. M A Ak O 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.
8. The child shall be presumed to have been born in Kenya and she is therefore Kenyan by birth as she was found abandoned within the Kenyan boundaries.

DATED, SIGNED and DELIVERED at NAIROBI this 19th DAY OF December, 2013.

W.M. MUSYOKA

JUDGE