



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 36 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J N alias BABY J

JUDGEMENT

1. J N N M 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 N alias J. Her Originating Summons is dated 8th November 2013.
2. Baby J N alias J was found abandoned at the Kakamega Provincial General Hospital on 25th May 2011. A report of the matter was made at the Kakamega Police Station the same day. She remained at the hospital till 8th July 2011 when she was transferred to the Kisumu New Life Home Trust. The Kakamega Children's Court committed her to the same institution for care and protection. She was placed with the applicant on 2nd March 2012. It is presumed that the child was born on 4th May 2011.
3. This adoption is being arranged by the KKPI Adoption Society of Kenya, who freed the child for adoption vide their certificate dated 18th March 2013.
4. To facilitate this adoption, the applicant has been assessed by the KKPI Adoption Society of Kenya, the Director of Children Services and the guardian *ad litem*, F A O. The three have compiled and filed their reports in court, dated 18th March 2013, 27th August 2013 and 27th May 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 J N N M, is hereby allowed to adopt the child, Baby J N alias J. She shall hereafter be known as J M M. P M M 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. She is entitled to all the rights that accrue to citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

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

W. M. MUSYOKA

JUDGE