

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY J.I

JUDGEMENT

The Applicant, M.N.M, has in her Originating Summons dated 18.7.2011 applied to this court under the provisions of the Children Act, No.8 of 2001 for authority to adopt the child known as **J.I**.

The said child is female and was abandoned by her biological mother. On delivery in 2008, She was taken to Imani Children's Home. No one ever claimed her. The abandonment was reported to the police at Kayole whose O.B. No.61/13/10/2008 contains the data. The child is aged 3 years now. She was placed in the care and control of the Applicant on 7.3.2010 when she was aged 2 years. The child was declared free for adoption on 3.3.2010 by KKPI Adoption Society.

The Applicant is single. She is a businesswoman resident in Nairobi. She sells clothes for a living. She is aged 52 years having been born in 1960 in Kiambu. She is a Catholic. She was brought up in Banana by both her parents. She has basic education. She has six siblings with whom she relates well. They all support her proposal to adopt the child. Her only child, a son, died in a road accident in 1979. She has no plans of getting married.

The Applicant earns, she states, around Shs.50,000/= per month from her business and is able to save between Shs.5,000/= and 10,000/=. She lives in a 2 bed roomed rented house. She has one acre of land at Banana. She has family support. She has sufficient resources to raise the child who has been in her care and control since March 2010.

The reports filed by the guardian ad litem, KKPI Adoption Society and the Director of Children's Services all recommend the adoption and show that the child has bonded well with the Applicant. In the unfortunate event that the Applicant is unable to shoulder the parental responsibility, M.N.G has accepted to be the child's legal guardian.

I have carefully perused the investigations reports in this application. I am satisfied that the proposed adoption is in the best interest of the child who will grow up with a mother figure in her life and love. I am satisfied that the child will benefit from the parenthood of the Applicant as a mother and will have a better future and prospects of becoming a useful member of the society.

As the child was abandoned, I dispense with consents of the biological parents. I am satisfied that the provisions of the Children Act have been complied with. I allow the application and make the following orders:

1. The Applicant, **M.N.G**, is hereby authorized to adopt the child known as **J.I**.
2. The child shall henceforth be known as **J.N.N**.
3. The consents of the child's biological parents are dispensed with.
4. The Legal Guardian of the child shall be **M.N.G** (who shall step into the shoes of the Applicant in the unfortunate event that the Applicant is unable to shoulder the parental responsibility).
5. The Registrar General shall make an entry of this Adoption in the Adopted Children Register in the prescribed form.
6. For the avoidance of doubt, it is herein declared that all rights, duties, obligations and liabilities of the biological parents or guardians of the child are extinguished and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopting parent namely, M.N.M as if the said child were her biological child and the child shall have the right to inherit the Applicant.

Dated at Milimani Law Courts, Nairobi, this 16th day Of February 2012.

**G.B.M. KARIUKI, SC
JUDGE**

COUNSEL APPEARING

Miss V. S. Kimenyi of Rautta & Co. Advocates for the Applicants

Mr. Kugwa – Court Clerk