



IN THE MATTER OF THE CHILDREN ACT (Act. No.8 of 2001)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF G. K. P (AN INFANT)

BY
F.N.M

JUDGEMENT

The court ruling (by Lady Justice Wanjiru Karanja, now Justice of Appeal Karanja) dated 29th July 2011 required **F.N.M**, who is a single Applicant in this local adoption application to furnish the court with evidence to show that she is capable of meeting the financial obligations of raising and giving the child to be adopted proper education and health care.

Mrs. L. W. Kiguatha, the learned counsel for the Applicant, submitted to me on 10th February 2012 that she had filed affidavits to show that the Applicant had financial ability to shoulder parental responsibility and to raise and educate the child.

The further affidavit filed shows that the Applicant, a Water Engineer, owns land at M Market in Mbeere South District and serves as a Member of Water Catchment Area Committee having been gazetted on 23.9.2005. Her bank statement filed on 24.10.2011 for the period 27.1.2011 to 9.9.2011 reflects receipt of income.

The Applicant is aged 48 years and is almost past child bearing age. She is single and has ruled out marriage after a long engagement that did not result in marriage.

The child was found abandoned within Githurai Kimbo area in Nairobi. Her date of birth is said to be April 2006. The child was placed under the care and control of the Applicant on 17th July 2006 and has bonded well with the Applicant.

I am satisfied that the provisions of the Children Act No.8 of 2001 have been complied with in this application. I am also satisfied that the applicant has sufficient wherewithal to care for and raise the child who will have a better future with her than in an institution.

Accordingly, I allow the application and grant the Applicant authority to adopt the child. I make the following orders:-

1. The Applicant, **F.N.M**, is hereby authorized to adopt the child known as **BABY G.K**.
2. The child shall henceforth be known as **T.C.M**.
3. The consents of the child's biological parents are hereby dispensed with.
4. The date of birth of **T.C.M** is 17th April 2006.
5. The Legal Guardian of the child shall be **M.K** (who shall step into the shoes of the Applicant in the unfortunate event that the Applicant is unable to shoulder parental responsibility).
6. The Registrar General shall make an entry of this Adoption in the Adopted Children Register in the prescribed form.
7. 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, F.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 22nd day of March 2012.

G.B.M. KARIUKI, SC
JUDGE

COUNSEL APPEARING

Mrs. L. W. Kiguatha advocate of Musyimi & Co. Advocates for the Applicant

Mr. Kugwa – Court Clerk