

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

IN THE MATTER OF BABY T.W.

RULING

Before me is an application for an adoption order, dated 8TH September 2011, brought inter alia, under **Sections 154, and 160 of the Children's Act, 2001(Act No. 8 of 2001) and Sections 24 of the Interpretation and General Provisions Act (Chapter 2 of the Laws of Kenya)** (by dint of which the **Adoption Rules under the Adoption Act) (Cap 143)** (repealed) apply).

The applicant herein, **J.N.G.**, a single lady of **P.O. Box [...]** Nairobi has moved the court, praying that she be authorized to adopt and rename a girl child, presently identified and known as **T.W.** who, for the purposes of this ruling shall, where necessary, be referred to either "**Baby T.**" or "**the child**". The applicant proposes that she be known as **O.P.W.** upon adoption.

The applicant is a Kenyan citizen aged 51 years. The applicant has never married and has said she is not ready for marriage (although not ruling it out) opting instead to concentrate on giving back to society by firstly, taking care of her aging widowed mother and secondly, by way of voluntary assignments carried out through certain Non Governmental Organizations that she has established, one of which has entered partnership with [.....]. The applicant has filed the requisite statement and affidavit in support of the application, bearing all the supporting documents as necessary, including her bank statement and documents of title to property that she owns.

On 14th October 2011 on the applicant's application, **R.W.M.** was appointed the Guardian ad Litem for the purposes of this adoption. She has filed a brief but comprehensive report, dated 30th January 2012, primarily stating that **the child, T.W.** has bonded well with adoptive parent and with the extended family; is happily settled in the applicant's care and is well taken care of. She also vouches for the adoptive parent's moral aptitude and social capability to bring up the child in an upright manner and to provide for her overall social and material well being.

The Director of Children's Services on the other hand, has reported (in the

report filed on 20th January 2012) that the applicant is able to provide for the child in a manner that will guarantee not only her day to day needs and education but also guarantee her an inheritance, being aware of the child's right to the same. To further safeguard the interests of the Child, the applicant has appointed one **J.N.C.** the legal guardian, in the unlikely event that the applicant becomes permanently incapacitated or dies before the child attains the age of majority.

Both the guardian ad litem and the Director of Children's Services highly recommend, therefore, that the applicant be granted the authority to adopt **the child, T.W.** and that the court grants her, also, the incidental prayers sought in the application, to complete the process.

At the hearing of the application, it was proved, through the documentation filed in support, that "**Baby T.**" was, on 27th May 2007, found abandoned in the washrooms of a hotel in Naivasha. The manager of the hotel, one **P.M.** called the police from Naivasha police station who, after visiting the scene and rescuing the child, recorded the find as a case of abandonment vide OB No. [...]. They then caused her to be admitted at the Naivasha District Hospital on the same day. The hospital enlisted the assistance of the Nakuru District Children's office in finding a suitable home for the child. A vacancy was secured at the St. Ann Baby & Children's Home where the infant was committed for custody and care vide a committal order dated 25th October 2007.

No one came forward to claim the child and the police efforts to trace its biological parents came to naught. A final report to this effect was issued by the Naivasha police vide a letter dated 27th April 2011. On 4th May, 2011 **Baby T.** was certified free for adoption under a Certificate of Declaration to that effect issued by the Little Angel's Network. On 5th May 2011, the child was placed under the foster care of the applicant under a care agreement entered between herself and St. Anne Baby & Children's home and she has been under the continuous care and custody of the applicant since.

The requisite studies and investigations have been carried out in regard to applicant's suitability to adopt the child and requisite reports duly filed. The report by the Children's Officer, ordered by this court on 14th October 2011 and filed on 20th January 2012, recommends the adoption and renaming of **Baby T.** by the applicant, who, according to the Director of Children's Services has proved that she is both financially capable of and socially and morally fit to permanently fulfilling parental responsibilities over the child.

In considering this application, I have perused the reports filed by the Guardian ad Litem and the Director of Children Services, and thoroughly examined all the documentation filed in support thereof, including the pre-placement Report of the Little Angle's Network dated 22nd September 2010. The applicant's suitability having been carefully assessed and positive recommendations filed by credible persons, I am satisfied that she does possess the requisite legal capacity to adopt the child, notwithstanding her status of a single lady (and therefore a sole applicant) and that she understands the entire adoption process, and its future implications for herself and the child, in particular, the need to provide the best for the adopted child all her life. I find her to be stable, medically fit and financially able to adopt **Baby T**. She undertaken and bound herself to bring her up as own child, in a healthy, happy and secure environment.

Considering the above, I have no hesitation in allowing the application, being satisfied that the proposed adoption is in the best interests of **Baby T**. Accordingly, the Originating Summons dated 8th September 2011 is hereby allowed and orders granted in terms of prayers 3, 4, 5 and 6 thereof. The Registrar of persons shall make the appropriate entries in the register in recognition of this adoption.

The consent of the biological parents is hereby dispensed with for reasons that they are unknown and efforts to trace them have proved unfruitful.

DATED, SIGNED and DELVIERED at NAIROBI this 16th DAY OF March 2012.

M.G. MUGO

JUDGE

In the presence of : _____

Mr. Mwenda for the applicant. _____