



## IN THE MATTER OF BABY W.M

### JUDGEMENT

**P.N.M** is a single Applicant. She seeks authority of this court under Section 154 of the Children Act No.8 of 2001 to adopt a female child known as **S.W a.k.a. S.N.N.**

The Applicant was born in 1948 and is now aged 64 years. She has had care and control of the child since 19<sup>th</sup> March 2009 when the child was just a little over 2 years of age. The age limit for an adopting parent is 65 years. It is important to ensure that the Applicant, if suitable, will be able to see the child through school and into adulthood. By the time the child is 18 years in 2034 the Applicant shall be aged 86 years. The Applicant shall be 80 years when the child is 16 years. There is likelihood that the child could at the age of 16 years lose the Applicant's support. The Applicant's brother, **M.M** has undertaken to serve as the child's Legal Guardian. He is aged 55 years and is a businessman and seems to have the wherewithal to care for the child in the event that the Applicant is unable to do so.

The child has a mild deformity on her legs. She was abandoned at Pumwani Maternity.

The reports filed by the Guardian ad litem **S.W.K** and the **Director of Children's Services** recommend the adoption.

I have perused the Application and the reports filed. I am satisfied that the provisions of the Children Act, No.8 of 2001 have been complied with.

I am also satisfied that the Adoption shall be in the best interest of the child. In my view, the child has a better future if adopted.

I allow the Application dated 1.8.2011 (O.S.) and make the following orders

1. The Applicant, **P.N.M**, is hereby authorized to adopt the child known as **S.W a.k.a S.N.N.**
2. The child shall henceforth be known as **S.N.N.**
3. The consents of the child's biological parents are hereby dispensed with.
4. The date of birth of S.N.N is November 2006 and her place of birth is Pumwani Maternity, Nairobi, Kenya.
5. The Legal Guardian of the child shall be **M.M** (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, P.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 8<sup>th</sup> day of March 2012.**

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

**COUNSEL APPEARING**

*Mr. Ochieng Ogutu Advocate for the Applicant*

*Mr. Kugwa – Court Clerk*