



IN THE MATTER OF BABY SH

COURT AUTHORITY FOR ADOPTION (S.154 OF THE CHILDREN ACT)

JUDGEMENT

DS aged 51 years (the Applicant) is a Kenya citizen. She is a Senior Lecturer at [particulars withheld] University. She is a single parent. She has made an application to this court on 27.4.2012 by way of Originating Summons under Section 154(1) of the Children Act, Cap 141, seeking authority of this court to adopt a child known as **SH (the child)** aged 3 ½ years. The child was declared free for adoption on 25th April 2012 as is evidenced by Certificate No.[.....]filed by the Little Angels Network, a registered Adoption Society in Kenya.

The child was abandoned at Garissa on 18.11.2008 and his biological mother has never been traced. The incident was reported to Garissa Police Station and is recorded in O.B. No.56/18/11/2008. The child was referred to Mama Hani Children's Home for care and protection and was committed to Garissa Child Rescue Centre on 19.2.2009 by a court order made in P & C Case No.152 of 2009.

The Applicant was motivated to adopt the child by the need to help a needy child and to expand her family. She has a biological daughter of her own, IJ, who is aged 10 years who has bonded well with the child.

At a salary of Shs.175,000/= per month, and two houses of her own at [particulars withheld] Nairobi which fetch by way of rent per month a total of Shs.155,000/= and per diem of Shs.50,000/= p.m. from [particulars withheld] University for attending meetings coupled with a 30 acre farm at [particulars withheld], the Applicant who lives in [particulars withheld],

Nairobi has sufficient income to raise a family of two.

The Applicant has no criminal record. She professes Islamic faith. In the event that she is incapacitated or dies, or is otherwise unable to care and raise the child, she has appointed **SS** to step in her shoes and take up the responsibility of caring and raising the child.

The Applicant and the child have been assessed and evaluated by **Little Angels Network**, a registered Adoption Society in Kenya and by the **Director of Children Services** and by the **Guardian ad Litem, CWK**. I have perused the assessment and evaluation reports. They are favourable. The Applicant had care and control of the child for more than 3 consecutive months and was evaluated before making the application and has complied with the provisions of the Children Act including the provisions of S.157 of the said Act.

This is a local adoption. The applicant qualifies to adopt the child who faces a better future if adopted as he will grow up in a family environment in which he is cared for and protected. He will have identity and a sense of belonging. I am satisfied that the proposed adoption is in the best interest of the child.

Accordingly, I grant the Applicant authority to adopt the child and I make the following orders:

1. The consents of the biological parents of the child are hereby dispensed with.
2. The Applicant, **DS** is hereby authorized to adopt the child, **Baby SH**.
3. The child shall henceforth be known as **AA**.
4. The date of birth of the child is **9th November 2008**.
5. The Legal Guardian of the child shall be **SS**
6. The Registrar General is hereby directed to enter this adoption in the Register of Adoptions.
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, **DS** 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 21st day of June 2012.

G.B.M. KARIUKI, SC
JUDGE

COUNSEL APPEARING

Mr. J. Mwenda of Muriungi & Company, Aadvocates for the Applicants

Mr. Kugwa – Court Clerk