



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

AND

## IN THE MATTER OF BABY C A T ALIAS E T

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

### JUDGEMENT

**J.A.O.**, aged 51 (the Applicant) is a Kenya citizen. She is a Banker by profession and is currently employed as a Branch Manager by the National Bank of Kenya. She made an application to this court on 13.5.2011 by way of Originating Summons of that date under Section 154(1) of the Children Act, Cap 141, seeking authority of this court to adopt a child known as **C E T alias E T (the child)** aged 8 years. The child was declared free for adoption on 15<sup>th</sup> November 2010 as is evidenced by Certificate No. (...) filed by the Little Angels Network, a registered Adoption Society in Kenya.

The child's biological mother has never been traced after she abandoned the child on 20.7.2003 at Kakamega Provincial General Hospital and disappeared. The child was found in maternity Ward 5A of the said hospital. The incident was reported to Kakamega Police Station and is recorded in O.B. No. 72/28/2/2006. The child was admitted to New Life Home Trust at Kisumu on 13.8.2003 and was committed to the Home on 21.9.2005 pursuant to an order made in P & C Case No.156 of 2005.

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 son of her own, C.K.O., who is aged 19 years. As required by law, C.K.O. has given his consent to the Adoption and has bonded well with the child.

The Applicant has also applied to adopt another child, **S**, in **adoption**

**application No.70 of 2011.** In effect, if the adoptions are authorized, she shall have two adopted children of male gender and one biological child also of male gender.

At a salary of Shs.303,944/= per month, and a two bed roomed apartment of her own a Riverside, Nairobi valued at Shs.72 million which she has leased at Shs.50,000/= p.m., plus a 4 bed roomed pent house at Riara which she also leased at Shs.53,000/= p.m., the Applicant who lives in a 3 bed roomed house in Nairobi West has sufficient income to raise a family of three.

The Applicant has no criminal record. She professes Christian faith. In the event that she is incapacitated or dies, or is otherwise unable to care and raise the child, she has appointed **P.S.O.** to step in her shoes and take up the responsibility of caring and raising the child in this and in adoption case No.70 of 2011.

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, B.O.O.** 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.

As the provisions of the Children Act have been complied with in this local adoption, the authority to adopt should not be denied. The applicant qualifies to adopt. She is also a proper person to adopt the child. I am satisfied that this 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 are hereby dispensed with.
2. The Applicant, **J.A.O.** is hereby authorized to adopt the child, **C E T alias E T.**
3. The said child shall henceforth be known as **K O.**
4. The date of birth of the child is **20<sup>th</sup> July 2003.**
5. The Legal Guardian of the child shall be **P.S.O.**

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, **J.A.O.** 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 14<sup>th</sup> day**

**of June 2012.**

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

**JUDGE**

**COUNSEL APPEARING**

***Ms G. W. Thungu of Ochieng Ogutu & Company advocates for the Applicants***

***Mr. Kugwa – Court Clerk***