



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 62 of 2012

IN THE MATTER OF ADOPTION OF BABY S. M. THE INFANT

AND

MS. L. O. B.....APPLICANTS

JUDGMENT

By an Originating Summons dated 10<sup>th</sup> April, 2012 on application for an adoption order, the Applicant sought from the court the following orders-

1. That D.W.M. of Post Office Box Number [particulars withheld] Nairobi be appointed guardian ad litem to Bay S.M.
2. That the Director of Children Services do investigate the suitability or otherwise of the Applicant to adopt the child and submit a report.
3. That the Applicant L.O.B. be allowed to adopt Baby S.M. a female child and the said child be known as J.M.B.
4. That L.J.R. and A.I.R. of Post Office Box Number [particulars withheld] Nairobi be appointed guardian to the child herein in the event the adopter dies or became incapacitated before the child attains full age.
5. That the consent of the biological parents of the child be dispensed with.
6. That the Registrar-General makes the appropriate entries into the Adopted Children Register.

Orders 1 and 2 were duly granted on 20<sup>th</sup> April, 2012, and are accordingly spent. The remaining orders are the subject matter of this judgment.

At the hearing of the summons, Mr. Mwendu appeared for the Applicant herein and argued that she is a Swedish National who has been employed in Kenya and has an alien card. She meets the criteria set out by the National Adoption Committee, and she has a confirmation that the adoption, if granted, will be recognized by the Swedish Authorities. The Applicant has been recommended by two persons. She enjoys good health and has appointed a Legal Guardian who would be "required to take full responsibility

of the child emotionally, financially, physically, mentally and educationally” in the event of the adopting parent’s death. Such a guardian would also be required to offer care and protection to the infant and its assets.

The child was born on 4<sup>th</sup> September, 2010. She was found abandoned on 22<sup>nd</sup> February, 2011, and was admitted to Meru District Hospital. The matter was then reported to the police. She was later committed to Nest Children Home on 1<sup>st</sup> September, 2011, and the police have confirmed that no one ever went to claim the child. She was declared free for adoption on 14<sup>th</sup> December, 2011, and thereafter placed with the Applicant on 27<sup>th</sup> December, 2011. Since then, she has been in the custody, care and control of the adoptive mother and the two have bonded very well. Both the guardian ad litem and the Director of Children Services have strongly recommended the adoption, and I am satisfied that this will be to the benefit of the child. The adoptive mother has the necessary resources for bringing up the child and, having been abandoned, the child will no doubt benefit in having a home and a person she can relate to as her mother.

Being satisfied with the above arrangements, I find and hold that it is to the child’s benefit that an adoption order should issue. I accordingly order that-

1. (spent)
2. (spent)
3. **The Applicant L.O.B. be and is hereby allowed to adopt Baby S.M., a female child, and the child shall hence be known as, and answer to the name of, J.M.B.**
4. **L.J.R. and A.I.R. of Post Office Box Number [particulars withheld], Nairobi, be and are hereby appointed guardians to the child herein in the event the adoptive mother dies or becomes incapacitated before the child attains the age of majority.**
5. **The consent of the biological parents of the child be and is hereby dispensed with.**
6. **The Registrar-general to make an appropriate entry in the Adopted Children Register.**

**DATED and DELIVERED at NAIROBI this 27<sup>th</sup> day of July, 2012.**

**L. NJAGI  
JUDGE**