



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 242 of 2011

IN THE MATTER OF BABY C M

JUDGEMENT

1. Before me is an application for an adoption order, dated 15th December 2011, brought inter alia, under **Part XII of the Children's Act, (Act No. 8 of 2001) and Legal Notice No. 75 of 2002.**
2. The applicant herein, **V R I**, a single lady of [**particulars withheld**] Nairobi has moved the court, praying that she be authorized to adopt and rename a girl child, presently identified and known as **Baby C** who, for the purposes of this ruling shall, where necessary, be referred to either "**Baby C**", "**the infant**", "**the minor**" or "**the child**". The applicant proposes that she be known as **S I R** upon adoption.
3. The applicant is a single Kenyan female aged 36 years. She has never married but does not rule out marriage and would marry, should she meet someone who would adopt the child as well. Her decision to adopt a child while single is motivated by her passion to help a needy child, and to have a child to call her own. The applicant is employed as an Information Officer with the M[.....] and is well paid. She owns immovable property, including her home which is on a tenant purchase arrangement.
4. On 17th February, 2012 on the applicant's application, **C O** of [**particulars withheld**] Nairobi was appointed the Guardian ad Litem for the purposes of this adoption. Her report on the suitability of the applicant to adopt was filed on 17th July, 2012, primarily stating that the applicant and **Baby C**, have bonded well, that the child is happily settled in the applicant's care and is well taken care of. The Guardian ad Litem vouches for the adoptive parent's moral aptitude and social capability to bring up the child in an upright manner, given her sound character, compassion,, loving and caring demeanour.
5. The Director of Children's Services on the other hand, has in his report dated 30th May 2012, reported that the applicant is able to provide for the child in a manner that will guarantee her a better life than she would have in a home for abandoned children. To further safeguard the interests of the Child, the applicant has appointed one **S A O** the legal guardian, in the unlikely event that the applicant becomes permanently incapacitated or dies before the child attains the age of majority.
6. 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, Baby C**, being of the view that the adoption is in the best interests of the child.
7. At the hearing of the application, it was submitted that **Baby C** was born on 4th on about January, 2011. She was abandoned at Deliverance Church, Kwanganga, Dagoretti on 10th January 2011 and a good Samaritan reported the matter to the Dagorreti Children's Office. The matter was reported to the police at Riruta police station vide OB 18/10/01/2011. She was admitted at the Abandoned Baby

Centre on 10th January, 2011 where she was later committed on 11th March, 2011, pursuant to a committal order issued by the Children's Court, Nairobi.

8. The Riruta police having formally informed Abandoned Baby Centre that no claim had been made with them over the infant vide the letter dated 19th July 2011, **Baby C** was certified free for adoption under a Certificate of Declaration to that effect issued by Little Angels Network an accredited adoption society, on 10th August 2011. She was thereafter released and placed under the foster care of the applicant under a Care Agreement entered between the applicant and Dagoretti Children's Centre, dated 26th August 2011. The minor has been under the care and custody of the applicant since.

9. 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 17th February, 2012 and filed on 5th June 2012, recommends the adoption and renaming of **Baby C** by the applicant, who, according to the Director of Children's Services has proved that she is both financially capable of fulfilling and socially and morally fit to permanently fulfil parental responsibilities over the child. She has also confirmed that she would guarantee that the child inherits her property.

10. 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 13th July, 2011. 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 and well suited to adopt **Baby C**. She has undertaken and bound herself to bring her up as own child, in a healthy, happy and secure environment.

11. Considering the above, I have no hesitation in allowing the application, being satisfied that the proposed adoption is in the best interests of **Baby C**. Accordingly, the Originating Summons dated 15th December 2011 is hereby allowed and orders granted in terms of prayers 3, 4 5 and 6 thereof.

DATED, SIGNED and DELIVERED at NAIROBI this 23rd DAY OF November, 2012.

M.G. MUGO
JUDGE

In the presence of :

for the applicant.