



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**ADOPTION CAUSE NO.150 OF 2010**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**  
**AND**  
**IN THE MATTER OF BABY B.A (MINOR)**

L.A.M.....1<sup>ST</sup>  
**APPLICANT**

**J U D G M E N T**

The applicant, L.A.M, is a single female applicant who wishes to adopt a female child. According to the report by the Director of Children Services, the applicant was motivated to adopt a child due to medical reasons. The applicant has been unable to conceive a child due to blocked fallopian tubes. Baby B.A (the child) was found abandoned on 16<sup>th</sup> June 2009 at Auji area in Kisumu. The child is presumed to have been born on 18<sup>th</sup> May 2009. The child was rescued by a good Samaritan and taken to Kisumu central police station. The Kisumu District Children’s Office was duly notified. On 17<sup>th</sup> June 2009, the child was admitted at New Life Home Trust-Kisumu. On 24<sup>th</sup> June 2009, the Children’s Court at Winam granted custody of the child to the said Children’s Home pending further court proceedings. The police, and other relevant authorities, have not been able to trace the whereabouts of the biological parents of the child. This court therefore dispenses with the consent of the said biological parents of the child for the purpose of these adoption proceedings. The child was declared free for adoption by Little Angels Network adoption society. A certificate to

that effect was issued on 3<sup>rd</sup> February 2010. The applicant took custody of the child on 22<sup>nd</sup> March 2010 for compulsory foster care pending these adoption proceedings.

The applicant was assessed by Little Angels Network adoption society and by the Director of Children's Services. The two organizations recommend the application by the applicant to adopt the child. M.M.M, the guardian ad litem, also prepared a report which is favourable and recommend the proposed adoption. This is a local adoption. As stated earlier in this judgment, the applicant is a single female applicant who wishes to adopt a female child. The applicant is a Kenyan citizen by birth. She established that she has the financial and emotional capability and capacity to take care of the child. In the period of about one (1) year that the child has been in the applicant's custody, it was evident to the court that the child has bonded with her. The child considers the applicant to be her mother. All the relevant agencies have recommended the adoption. This court formed the view that the applicant has fulfilled all the legal requirements for a local adoption.

This court formed the opinion that it would be in the best interest of the child for the child to be adopted by the applicant. The applicant will provide a home and a family for the child to grow up and be a useful member of the society. The applicant will be required to execute an undertaking that she shall assume all the parental rights and duties of the biological parents in respect of the adopted child; she shall treat the adopted child as if she was born to her; she has been made aware that once the adoption order is issued, it shall be final and binding during the lifetime of the child that she shall adopt; that the child shall have the right to inherit her property; that an adoption order cannot be recanted, and further, that she shall not give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

The court will therefore allow the applicant's application to adopt the child. She has fulfilled the legal requirements for a local adoption by a single female applicant. The applicant, L.A.M, is hereby allowed to adopt baby B.A. Henceforth, the child shall be known as S.A.M. F.M.O shall be the legal guardian of the child should misfortune befall the applicant. The Registrar General is hereby directed to enter this adoption order in the Adoption Register. The guardian ad litem is hereby discharged. It is so ordered.

**DATED AT NAIROBI THIS 30<sup>TH</sup> DAY OF MARCH, 2011**

**L. KIMARU**  
**JUDGE**