



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**ADOPTION CAUSE NO.79 OF 2010**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY M.W – MINOR**

**C.M. N .....APPLICANT**

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

The applicant, C.M.N is a banker by profession. She is a single female applicant who wishes to adopt a female child. She does not have biological children of her own. She was motivated to adopt a child because she loves children and desires to help a needy child. Baby M.W (the child) was born on 23<sup>rd</sup> June 2009 at Kiambu District Hospital. Her biological mother is said to be one M.W.K. She abandoned the child at the said hospital on 30<sup>th</sup> June 2009. A report was made to Kiambu police station. With the intervention of the Children's Office at Kiambu, the child was taken to The Nest Children Home. On 17<sup>th</sup> August 2009, the Kiambu Children's Court committed the custody of the child to the said Children's Home pending further court proceedings. The relevant authorities, including the police, have so far 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 for the purposes of these adoption proceedings. The child was declared free for adoption on 29<sup>th</sup> March 2010. A certificate to that effect was issued by KKPI adoption society. The child was placed under the care and custody of the applicant on 13<sup>th</sup> November 2009 for compulsory foster care pending these adoption proceedings.

The applicant was assessed by KKPI, the adoption society and by the Director of Children's Services. The two organizations recommend the application by the applicant to adopt the child. M.K.K, the guardian ad litem, also prepared a report which is favourable and recommends 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 child. The applicant is a Kenyan citizen by birth. She has established that she has the financial and emotional capability and capacity to take care of the child. In the period of about one and a half years that she has had the custody of the child, it was evident to the court that the child has bonded with the applicant. The child considers the applicant to be her parent. All the relevant agencies have recommended the proposed adoption. This court is of 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 conditions for local adoptions by a single female applicant. The applicant, C.M.N, is hereby allowed to adopt baby M.W. Henceforth, the child shall be known as A.G.M.N. A.N.N 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 11<sup>TH</sup> DAY OF MARCH, 2011**

**L. KIMARU**

**JUDGE**