

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
ADOPTION CAUSE 38 OF 2007

IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF 2001
AND IN THE MATTER OF (ADPOTION) REGULATIONS, 2005

AND

IN THE MATTER OF ADOPTION OF BABY M a.k.a. M MWW (INFANT)

AND

IN THE MATTER OF THE APPLICATION FOR ADOPTION BY MWK

JUDGMENT OF COURT

The applicant MWK seeks an order authorizing her to adopt Baby M. She is a single lady who over 12 years ago was abandoned by her customary husband because she was not able to have a baby of her own. The applicant who carries on Mitumba business states that she is capable of looking after the baby if she is allowed to adopt her. She has been looking after the baby since 23rd September 2006.

The baby was abandoned in a Women hair salon on 28th September, 2006. She was later reported to the police who in turn released the child to Missionary of Charity Children's Home at Huruma. The child was finally released to the applicant for fostering and control on 23rd September, 2006. Since then the child has been in the custody and care of the Applicant.

The applicant states that she needed a baby because she has none of her own. She also needs company and a child to love. She has taken care of the child excellently as the record shows. The three reports on record are from the Director of Children's Services, the Guardian ad Litem and the Adoption Society – the Little Angles network. All the three reports are favourable and recommend that the applicant be allowed to adopt Baby M.

I have carefully considered the material upon which this application is based. I am satisfied that they support this application. The bonding between the Applicant and the baby is excellent. Although the applicant is not a rich person, she has her humble business and is able to look after herself and has also been able to look after the baby for this long.

The baby on the other hand has nobody claiming her since she was abandoned. The applicant has become her mother and she knows no one else in that capacity. The applicant assures the baby of a home, of love and of a future better than a Children's home. The welfare of the baby would appear to be with the applicant accordingly. To take that assurance away would not be in the best interest Baby Michaela. Under the above circumstances this application will be allowed in the following orders:-

ORDERS

1. The applicant MWK is hereby immediately authorized to adopt Baby M who hereafter will be known as MMWW.
2. The Registrar-General is hereby directed to enter this adoption in the official register of adoptions.

Dated and delivered at Nairobi this 11th day of April 2008.

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D A ONYANCHA

JUDGE