



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI**

Adoption Cause 184 of 2004

IN THE MATTER OF ADOPTION OF INFANTS ACT CAP 143

IN THE MATTER OF BABY EM.....THE INFANT

AND

A.....APPLICANT

JUDGMENT

The applicant in this matter who is a single female applicant has sought for an order authorizing her to adopt the infant herein a baby girl born on the 18th April 2003.

The applicant was born on 26th February 1955, in Nairobi, she is a Kenyan citizen by birth. She is employed by the USAID Kenya as a Development Programme Officer. She has previously adopted another child on 20th June 1999.

The suitability of the applicant as the adoptive parent herein was undertaken and the following reports have been filed.

- a) The Director of Children’s Services
- b) The child welfare society
- c) Susan Achieng the appointed guardian ad lietem

According to the reports, the child herein was offered for adoption by her biological mother because she was allegedly born out of an incestuous relationship between her mother and her first cousin and she was considered a taboo baby. The child was handed over to the District Children’s Office, Vihiga District and was subsequently placed at the New Life Home Trust at Kisumu for care and protection. The biological mother who was then aged 17 years and her parents duly gave their consent to the child being handed over for adoption purposes.

The applicant who was desirous of adopting a second child, was given this child on 4th October 2003 and she has remained under her continuous care and control. The child seems to have been integrated into the family of the applicant who enjoy tremendous support from her family. The child has also gained acceptability by the applicants first child who relate with her as a sister and so is the applicant’s mother and brothers. According to the reports filed herein the child has bonded very well with the applicant, all her material and emotional needs are taken care of and all the reports recommend the adoption as it will promote the best interest of the child. The applicant has the financial ability to provide for the child and she occupies a comfortable house where she lives with the two children. She has experience as a mother

having been previously accessed and found suitable to adopt the first child. The first child is reported to be well adjusted and the source of motivation for the applicant and the reason why she sought to have a second child, to complete her life and further an opportunity to share her life, space and resource with another child in need of care and protection.

I have given considerable thought to all the material that was placed before me and I am satisfied that the applicant meets, the legal adoption requirements for local Adoption as provided for under the Children Act 2001.

The child in this matter who was declared free for adoption is also available, she was unfortunately rejected by her mother and happily she has found acceptability by the applicant and by her family. I am satisfied that this order shall promote her best interest as she stands to gain a parent and a elder brother within a family and community.

Accordingly I hereby allow the application and the applicant herein is authorized to adopt baby EM who shall henceforth be known as TKN.

It is so ordered.

Judgment read and signed on 10th June 2005.

MARTHA KOOME

JUDGE