



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Adoption Case 152 of 2004**

**BABY N.....THE INFANT**

**AND**

**M B A M.....APPLICANT**

**JUDGMENT**

In this Adoption matter, the Applicant is a single Female, aged 42 years. She has sought for an order authorizing her to adopt the infant herein a baby girl who was born on 20<sup>th</sup> day of October 2001.

The Applicant is a nurse by profession, a Kenyan National and duly employed at St. Teresa's Mission Hospital.

The Applicant has never been married, she had dedicated her life to the convent as a Nun but was forced to leave the convent after serving for 17 years. Her desire to adopt a child was inspired by her love for children whom she considers a ministry in her service. She also felt lonely and decided to adopt a child she can call her own as she does not consider marriage at all as an option. The Applicant's efforts to adopt a child are supported by her immediate family members.

According to the report by the Director of Children's Services, the Applicant has the reasonable financial income to provide for the child. Her suitability as an adoptive parent was duly assessed by the Director of Children's Services, the Guardian Act Litem and all the reports recommend the adoption.

The child in this matter was found abandoned in *[particulars withheld]* within Embu District on 13<sup>th</sup> April 2002. The child was admitted at the Embu Provincial General Hospital nursery and was subsequently committed to the Hope House Children's Home on 5<sup>th</sup> November 2002 under a care and protection order issued in Embu Children's Court on 6<sup>th</sup> October 2004. The child was placed under the foster care of the Applicant on 2<sup>nd</sup> January 2004 and she has remained under her care and control.

According to the Child Welfare Society, no one has turned up to claim the child and they therefore declared the child free for adoption.

All the reports filed herein recommend the adoption and the Applicant meets the local parameters of persons seeking for adoption as provided for under the Children Act 2001.

The Applicant has bonded well with the child and all her material and emotional needs are well provided for, I am satisfied the proposed adoption will promote the best interest and welfare of the child throughout

her childhood.

The Applicant is similarly aware of the implications of an order of adoption and the rights of the child including the rights of inheritance.

Taking all the circumstances of the matter, the vulnerability of the child who was abandoned, I am satisfied that the Applicant has fulfilled all the conditions set out under the Children's Act especially Part XII. It is in the child's best interest that she be afforded a mother, a home and a community to call her own.

Accordingly, I hereby allow the application and the Applicant is hereby authorized to adopt Baby N who shall henceforth be known as **N F A**.

It is so ordered.

Judgment read and signed on 23<sup>rd</sup> September 2005

**MARTH KOOME**

**JUDGE**