

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

ADOPTION CAUSE NO. 17 OF 2016 (OS)

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY RW

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

MAOAPPLICANT

JUDGMENT

1. The applicant is a married Kenyan woman, aged 53 years. She is a Programme Assistant at [particulars withheld]. The applicant got married to WO in 1990 and was blessed with three children PMO, MA and TA. The applicant filed originating summons on 10th January 2018 seeking to adopt Baby RW.

2. Baby RW was born on 22nd May 2009 at Thika level 4 Hospital and was abandoned by her mother in the ward. The matter was reported to Thika Police Station vide O.B. number [particulars withheld] by the hospital authority. The child was placed under foster care at Love a Child Home in Nyeri and was committed to the Home as a child in need of care and protection in Case Number [particulars withheld] by the Karatina Children's Court. On 3rd December 2009 both Thika police and children officer Thika confirmed that no one had shown interest or claimed the child. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Little Angels Network Adoption Society on 17th February 2010 vide certificate number 000616, and placed with the applicant on 28th May 2010.

3. On 11th March 2016 the court appointed DK as the guardian *ad litem* and ordered her and the Director of Children Services to prepare and file the requisite reports after carrying out a social inquiry on the applicant to determine her suitability to adopt the child. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant had bonded well.

4. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her ability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was born to them. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents or relatives as she was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

- a) the applicant **MAO** is hereby allowed to adopt Baby RW;
- b) baby RW shall henceforth be known as MMA;
- c) PMO is hereby appointed to be the child's legal guardian in the event of death or incapacity of the applicant before she is of full age and fully self-reliant;
- d) the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
- e) The guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 11TH day of JULY 2019.

A.O. MUCHELULE

JUDGE