

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 37 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY E alias A B G

JUDGEMENT

1. The applicant, C W K, is a Kenyan citizen. She seeks to adopt Baby E alias A B G. Her Originating Summons is dated 2nd February 2015.

2. The child in question was found abandoned on 6th October 2013 in the Makadara area of Nairobi, by good Samaritans, who reported the matter to the local Administration Police, and the matter was later taken up by the Jogoo Road Police Station. The child was admitted at the Hope House Babies Home for care and protection. She was later committed to that institution by the Makadara Children's Court. The police were unable to trace her relatives. She was placed with the applicant on 18th August 2014.

3. The child was freed for adoption by the Little Angels Network adoption society by their certificate, number [Particulars withheld], of 30th July 2014.

4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, S G. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 30th May 2016, while that of the guardian *ad litem* is dated 30th March 2016. The report by the Little Angels Network is dated 5th August 2014.

5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with her and she considers her to be her mother.

6. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

a. That the applicant, C W K, is hereby allowed to adopt the child, Baby E alias A B G, who shall hereafter be known as S N K;

b. That the said child is hereby declared to be Kenyan by birth; her date of birth is 12th December 2003;

c. That J N K and N M are hereby appointed legal guardians of the child in the event something untoward happens to the applicant;

d. That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and

e. That the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 10TH DAY OF FEBRUARY, 2017.

W. MUSYOKA

JUDGE