

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 65 OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY W W

JUDGEMENT

1. The applicant, N W M, is a Kenyan citizen. She is a single. She seeks to adopt Baby W W. Her Originating Summons is dated 6th March 2015.

2. The child in question was abandoned by her parents at a neighbour's house. The matter was reported at the Kiambu Police Station on 23rd September 2009. The child was then admitted at the Thomas Barnados House, for care and protection. She was eventually formally committed to that institution by the Nairobi Children's Court. The police were unable to trace her biological parents thereafter, according to the documents on record. She is estimated to have been born on 25th March 2008.

3. The child was freed for adoption by the Kenya Children's Home adoption society by their certificate number 634 of 12th July 2011. The child was placed with the applicant on 25th July 2011 for pre-adoption bonding purposes.

4. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Home, the Director of Children Services and the guardian *ad litem*, E N M. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 14th September 2016, while that of the guardian *ad litem* is dated 14th December 2016. The report by the Kenya Children's Home is dated 9th April 2015.

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, N W M, is hereby allowed to adopt the child Baby W W, who shall hereafter be known H M;

(b) That the said child is hereby declared to be Kenyan by birth and it shall be presumed that she was born on 25th March 2008;

(c) That T W M is hereby appointed legal guardian 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 17TH DAY OF MARCH, 2017.

W. MUSYOKA

JUDGE