



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.97 OF 2015

IN THE MATTER OF THE CHILDREN ACT NUMBER 8 OF 2001

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY I H alias ABANDONED  
BABY GIRL

A M M.....APPLICANT

JUDGMENT

1. The applicant **A M M** is seeking to be authorized to adopt baby Immaculate Hibah alias **Abandoned Baby**. She also seeks that upon making the adoption the child be called **I N M**. She also seeks that the applicant's sister **B M** be appointed the legal Guardian of the child in the event of death or incapacity of the applicant before she is of full age.

2. The applicant was born in 1975 single and working for [particulars withheld]. She is physically and emotionally fit to parent a child. She is financially stable to cater to a child's medical care, education and general upkeep.

3. The child born on 4th July 2012 and is said to have been abandoned in Kibera location to Mrs. Zam Obeid with an anonymous note supposedly written by the mother that she will never claim the child. The matter was reported to the Langata District Children's officer on 9th July 2012 and later on reported to Kilimani police station where the matter was recorded as OB No. [particulars withheld] and also reported to the local area chief on 20th July 2012. The child was committed to Thomas Barnado House on 5th October 2012 under care and protection number [particulars withheld]. The court was declared free for adoption by a court's ruling dated 28th March 2014. The child was declared free for adoption by Kenya Children's Home Adoption society on 21st May 2014 vide certificate number [particulars withheld]. The child was placed with the applicant on 16th July 2014 and has been under her care since then.

4. The Department of Children's Services filed their report on 5th December 2016. The investigator observed that the applicant has bonded well with the child. She is clean well dressed and fed. The applicant has employed a house girl to take care of the child when she is at work. The housing is adequate and there is a large compound where the child can play. The child appears to know the grandmother, aunties and uncles. The report recommends the adoption as the applicant has fulfilled the legal requirements under the Children's Act. It states the applicant has proved she is capable of taking on parental responsibility and the adoption will offer the child an opportunity to be part of a family. The Guardian ad litem report was filed on 16th September 2015 and is also favourable and recommends the adoption.

5. This is a case of a local adoption. The child in this matter was abandoned. This court finds that it would be in the best interest of the child to be adopted by the applicant. The applicant **A M M** is hereby allowed to adopt **baby I H alias abandoned baby**. She shall henceforth be called **I N M**. The applicant's sister **B M** shall be the legal Guardian of the child should misfortune befall the applicants. I allow the application for adoption. I direct the Registrar General to enter this order in the adoption register. The child was born in Kenya, is therefore a Kenyan by birth, and is entitled all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya citizenship and Immigration Act. I hereby discharge the Guardian ad litem. It is so ordered.

Dated Signed and delivered this **7<sup>TH</sup>** Day of **APRIL** 2017.

**R. E. OUGO**

**JUDGE**

In the presence of:

**Absent For the Applicants**

**Ms. Charity Court Clerk**