

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 208 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY A

JUDGEMENT

1. The applicant, G N, is of Kenyan nationality. By her Originating Summons dated 5th September 2014, she seeks to adopt a female known for the purpose of these proceedings as Baby A.
2. The subject child, Baby A, was abandoned by her birth mother at a hair salon on 3rd April 2012 at Langas, Eldoret. The matter of the abandonment was reported at the Yamumbi Police Station, where the child was taken by the woman at whose salon she had been abandoned. The child was then estimated to have been born on the date of her abandonment. She was admitted at the Barnados Children's Home in Nairobi for care and protection, where she was later formally committed by the Nairobi Children's Court. Police records availed in court indicate that efforts to locate the birth mother of the child were unsuccessful. The child was placed with the applicant on 7th March 2013.
3. This adoption is being arranged by the Kenya Children's Homes adoption society. The said adoption agency declared the child free for adoption by their certificate of 12th February 2013.
4. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Homes, the guardian *ad litem*, Geraldine Wangechi Ndua and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services is dated 8th July 2013, while that by the Kenya Children's Homes is dated 31st July 2014. The report of the guardian *ad litem* is dated 13th April 2015.
5. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial capacity and emotional capability and capacity to take care of the child. The child appears to have bonded well with her and she considers her to be her parent.
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 become a useful member of the family and the society at large. Consequently, the applicant shall assume all parental rights and duties of the biological parents in respect of the adopted child; she shall treat the adopted child as if he 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. Consequently, I hereby allow the applicant, G N, to adopt Baby A to be known hereafter as M N. I

hereby appoint E W and W M, the child's legal guardians should misfortune befall the applicant during the child's minority. The child is hereby presumed to be Kenyan by birth as she was found abandoned within Kenya. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 5TH DAY OF FEBRUARY, 2016.

W. MUSYOKA

JUDGE