



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 227 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY O

JUDGEMENT

1. L N M is a single applicant, who is Kenyan citizen. She seeks to adopt a female child, known for the purposes of these proceedings as Baby O. Her Originating Summons is dated 30th September 2013.
2. Baby O was presented at the Embakasi Police Station by a woman who claimed that the child's mother had abandoned the child with her. The name of the mother of the child was not indicated. Efforts thereafter to trace the birth mother of the child were not fruitful. The child was admitted at the Thomas Barnados House for care and protection, to which institution she was later formally committed by the Nairobi Children's Court. It was estimated that she was born on 21st September 2011.
3. This background is set out in the statement in support of the application as well as the affidavit of the applicant verifying the statement, and in the documents prepared and filed in court by the Kenya Children's Homes adoption society on 25th October 2013. The child was freed for adoption by the Kenya Children's Homes by their declaration certificate dated 12th June 2012. She was placed with the applicant for the pre-adoption bonding period on some undisclosed date in August 2012.
4. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, R O N. These three have compiled and filed their reports in court. The report by the Kenya Children's Homes is dated 27th May 2013, while that by the Director of Children Services is dated 3rd February 2015. The guardian *ad litem*'s report is undated, but was filed in court on 9th April 2015.

5. All these reports are favourable and recommend the proposed adoption. The applicant has filed documents that demonstrate that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicant and she considers her to be her parent. I have noted that the applicant has four biological children of her own.
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 parents 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 court the application by L N M to adopt the child Baby O;

b. That the consent of the biological parents of the child is hereby dispensed with;

c. The said child shall hereafter be known as A O N II;

d. She is hereby presumed to be Kenyan by birth and that she was born on 21st September 2011;

e. That A N W is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;

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

g. That the guardian *ad litem* is hereby accordingly discharged; and

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

W. MUSYOKA

JUDGE