



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 269 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY B aka E W (MINOR)**  
**JUDGEMENT**

1. J 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 B alias E W. Her Originating Summons is dated 11<sup>th</sup> November 2013.
2. Baby B alias E W was born on 15<sup>th</sup> May 2010 at the Kiambu District Hospital. She was abandoned at the hospital after her mother absconded from the hospital leaving the child behind at the children's nursery. A report of the abandonment was made at the Kiambu Police Station. Efforts to trace the birth mother of the child were not fruitful. The child was subsequently admitted at the Open Hand Children's Home for care and protection, to which institution she was later formally committed by the Kiambu Children's Court. She was placed with the applicant for the pre-adoption bonding period on June 2012.
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 29<sup>th</sup> November 2013.
4. The child was freed for adoption by the Little Angels Network Adoption Society by their declaration certificate dated 15<sup>th</sup> December 2010.
5. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Homes Adoption Society, the Director of Children Services and the guardian *ad litem*, C M. These three have compiled and filed their reports in court. The report by the Kenya Children's Homes Adoption Society is dated 9<sup>th</sup> July 2013, while that by the Director of Children Services is dated 5<sup>th</sup> September 2014. The guardian *ad litem*'s report is dated 25<sup>th</sup> September 2014.
6. 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.

7. 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.
8. 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 allows the application by J N M to adopt the child Baby B alias E W;
  - b. That the consent of the biological parents of the child is hereby dispensed with;
  - c. The said child shall hereafter be known as E W;
  - d. That E W M are hereby appointed the legal guardians of the child in the event of the untoward happening to the applicant;
  - e. That the Registrar-General is directed to enter this adoption order in the adoption register;
  - f. That the guardian *ad litem* is hereby accordingly discharged; and
  - g. That the child is hereby declared Kenyan by birth on account of having been born in Kenya to a known Kenyan mother.

**DATED, SIGNED and DELIVERED at NAIROBI this 6<sup>th</sup> DAY OF March 2015.**

**W. MUSYOKA**

**JUDGE**