



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 10 OF 2011 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF A. (A CHILD)

JUDGEMENT

1. M. W. M. is a single applicant, who is a Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as A. Her Originating Summons is dated 20th January 2011.
2. A was found abandoned at the church compound of the St Joseph Catholic Church on 29th October 2006. She was about two months old then, and it is presumed that she was born on 15th August 2006. She was thereafter placed with the applicant. The matter of the abandonment was reported at the Kilgoris Police Station. Nobody came forth to claim the child, and the police were unable to trace her relatives.
3. This adoption is being arranged by the Child Welfare Society of Kenya, who freed the child for adoption vide their certificate dated 29th October 2010.
4. To facilitate this adoption, the applicant has been assessed by the Child Welfare Society of Kenya, the Director of Children Services and the guardian *ad litem*, M W M. The three have compiled and filed their reports in court. The reports by the Child Welfare Society of Kenya and the Director of Children Services are dated 29th October 2010 and 15th November 2011, respectively. That by the guardian *ad litem* is.
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 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 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 will therefore make the following final orders:-
- a. That the consent of the biological parents of the child is hereby dispensed with and the applicant, M. W. M., is hereby allowed to adopt the child, A;
 - b. That the said child shall hereafter be known as A. N.;
 - c. That E L is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant;
 - d. That the Registrar-General is directed to enter this adoption order in the adoption register;
 - e. That the guardian *ad litem* is hereby discharged.; and
 - f. That the child shall be presumed to have been born in Kenya and she is therefore Kenyan by birth as she was found abandoned within the Kenyan boundaries. She is entitled to all the rights that accrue to citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 6th DAY OF June, 2014.

W. MUSYOKA

JUDGE