



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 91 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY J. M. alias H. P.**  
**JUDGEMENT**

1. J N Mu is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby J. M. alias H P. Her Originating Summons is dated 24<sup>th</sup> April 2013.
2. Baby J. M. alias H P was abandoned by her mother at the Kiambu District Hospital on 3<sup>rd</sup> May 2010. She had been born on 1<sup>st</sup> May 2010. A report of the matter was made at the Kiambu Police Station on 8<sup>th</sup> May 2010. The child was referred to the Rehema Pefa Home where she was later committed by the Children Court. Her biological parents were never found. She was placed with the applicant, for the mandatory bonding period on 29<sup>th</sup> 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 Little Angels Network adoption agency on 5<sup>th</sup> July 2013.
4. She was freed for adoption by the Little Angels Network by their certificate dated 7<sup>th</sup> September 2011.
5. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, P A O. These three have compiled and filed their reports in court, dated 27<sup>th</sup> July 2011, 5<sup>th</sup> February 2014 and 5<sup>th</sup> May 2014, respectively.
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 applicant's application to adopt the child Baby J M alias H P;
- b. That the consent of the biological parents of the child is hereby dispensed with;
- c. The said child shall hereafter be known as H P;
- d. That D K M and M C K 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 Kenyan by birth having been born by a known Kenyan mother who abandoned her in hospital, and therefore she is entitled to all those rights that accrue to Kenyan citizens by virtue of the provisions of the Constitution of Kenya and the Kenya Citizenship and Immigration Act, 2011.

**DATED, SIGNED and DELIVERED at NAIROBI this 4<sup>th</sup> DAY OF July 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Gathaara advocate for the applicants.**