



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 132 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY T. M.
JUDGEMENT

1. E N M G 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 T. M. Her Originating Summons is dated 3rd June 2013.
2. Baby T. M. was found abandoned at the gate to the Nanyuki District Hospital on 21st November 2011. It is presumed that she was born on 6th November 2011. A report of the matter was made at the Nanyuki Police Station on 23rd November 2011. The child was referred to the New Life Home Trust for care and protection 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 29th 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 Little Angels Network adoption agency on 14th June 2013.
4. She was freed for adoption by the Little Angels Network by their certificate dated 20th June 2012.
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*, Rev. R M K. These three have compiled and filed their reports in court, dated 25th January 2012, 13th March 2014 and 28th April 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 T M;
 - b. That the consent of the biological parents of the child is hereby dispensed with;
 - c. The said child shall hereafter be known as W An E G;
 - d. That A M W and M W 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 shall be presumed Kenyan by birth having been abandoned at Nanyuki within Kenya, 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 4th DAY OF July 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Mwenda for Mrs. Mbanya advocate for the applicants