



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 134 of 2012**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY M.M**

**JUDGEMENT**

J.A.O 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 M.M. Her Originating Summons is dated 29<sup>th</sup> June 2012.

Baby M.M is an abandoned child. She was born on 11<sup>th</sup> May 2011. She was abandoned immediately after birth and taken to the (Name withheld) District Hospital. The matter of the abandonment was reported at the (Name withheld) Police Station, from where she was referred to the (Name withheld) Home for care and protection. The children's court later formally committed her to that institution on 10<sup>th</sup> June 2011. She was placed with the applicant for the mandatory bonding period on 28<sup>th</sup> October 2011. She was consequently freed by the Little Angels Network adoption society by their certificate dated 26<sup>th</sup> October 2011. This background is set out in the statement in support of the application as well as the affidavit of the applicant verifying the statement.

To facilitate this adoption, the applicant has been assessed by the guardian *ad litem*, J.O.O, and the Director of Children Services. These two have compiled and filed their reports in court, dated 29th June 2012 and 29<sup>th</sup> October 2012. There is also the report of the Little Angels Network dated 26<sup>th</sup> October 2011. 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 he considers her to be his parent.

In the opinion of this court it would be in the best interests of the child that he 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.

I am satisfied that all the legal requirements have been met. The court allows the applicant's application to adopt the child. The consent of the biological parents of the child is hereby dispensed with. The applicant, J.A.O, is hereby allowed to adopt the child, Baby M.M. She shall hereafter be known as S.G.O. E.A.O shall be the legal guardian of the child in the event of the untoward happening to the applicant. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 10th DAY OF May, 2013.**

**W. M. MUSYOKA**

**JUDGE**