



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 21 OF 2013 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY S J [minor]**

**JUDGEMENT**

Z A A 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 Baby S J [minor]. Her Originating Summons is dated 28<sup>th</sup> January 2013.

Baby S J [minor] was born to the biological sister of the applicant at a time when the former was still in school. The biological father is a J N who does not appear to have any interest in the child. The biological mother of the child was awarded sole custody of the child by the Tononoka Children's Court in Children's Case No. 612 of 2012. The child has been under the care of the applicant since she was four years old. She was handed over to her. The biological mother has signed the relevant consents giving up the child for adoption by the applicant. The biological mother has married someone other than the child's father and she would like to move on with her life. This therefore is an adoption within the family. She has been freed for adoption by the Little Angels Network Adoption Society by their certificate dated 24<sup>th</sup> October 2012. 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 Little Angels Network Adoption Society, the Director of Children Services, and the guardian *ad litem*, S W N. The three have compiled and filed their reports in court, dated 24<sup>th</sup> October 2012, 24<sup>th</sup> May 2013 and 17<sup>th</sup> June 2013, respectively. 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.

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 society. 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 for a local adoption have been met. The court allows the applicant's application to adopt the child. The consent of the biological father of the child is hereby dispensed with. The applicant, Z A A, is hereby allowed to adopt the child, Baby S J [minor]. She shall hereafter be known as S A A [minor]. Z M J and K M A are hereby appointed the legal guardians 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. The child is Kenyan by birth as she was born in Kenya of Kenyan parents.

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

**W. M. MUSYOKA**

**JUDGE**