

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

Adoption Cause No. 215 Of 2012 (Os)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF Baby H(Minor)

JUDGMENT

J A A 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 H. Her Originating Summons is dated 16th October 2012.

Baby H was abandoned by her parents. She is presumed to have been born 23^{rs} August 2011. She was found abandoned immediately after birth on 23^{rs} August 2011 at G K [*particulars withheld*] in Nairobi and was taken to the Kiambu District Hospital. The matter was reported at the G K Police Station [*particulars withheld*]. The police released her upon discharge from hospital to His Image Home where she was admitted for care and protection. The children's court later formally committed her to that institution. She was placed with the applicant, for the mandatory bonding period on 10th May 2012. Consequently, she was freed by the KKPI Adoption Society by their certificate dated 28th March 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 Director of Children Services and the guardian *ad litem*, E A D. These two have compiled and filed their reports in court, dated 9th May 2013 and 15th May 2013, respectively. The report by the KKPI Adoption Society is undated. 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.

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.

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 parents of the child is hereby dispensed with. The applicant, J A A, is hereby allowed to adopt the child, Baby H [*minor*]. She shall hereafter be known as Hope Gift Amor. Dip A A and N O O 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. As the child was found abandoned within the boundaries of Kenya, I order that she be presumed to be Kenyan by birth in accordance with the provisions of the Kenya Citizenship and Immigration Act, 2011.

DATED, SIGNED and DELIVERED at NAIROBI this 8th DAY OF November, 2013.

W. M. MUSYOKA

JUDGE