

IN THE MATTER OF BABY BI

JUDGEMENT

1. Before me is an application for an adoption order, dated 18th November 2011, brought inter alia, under **Sections 154, 157, 158, 159 & 160 of the Children's Act, (Act No. 8 of 2001) and Legal Notice No. 75 of 2002.**
2. The applicant herein, **ESNO** a single lady of **P.O. Box (.....) Nairobi** has moved the court, praying that she be authorized to adopt and rename a girl child, presently identified and known as **Baby BI** who, for the purposes of this ruling shall, where necessary, be referred to either "**Baby BI**", "**the infant**", "**the minor**" or "**the child**". The applicant proposes that she be known as **BWI** upon adoption.
3. The applicant is a single Kenyan female aged 42 years. She applicant has never married but does not rule out marriage and would marry, should she meet someone who would adopt the child as well. Her decision to adopt a child while single is motivated by her passion to help a needy child, having volunteered support to such children over the years. The applicant is employed as an engineer with the[.....]has filed several documents, and over and above the statement and affidavit in support of the application. These include her latest letter of appointment and her pay slip.
4. On 10TH February, 2012 on the applicant's application, **LWW** of P.O. Box (....) Nairobi was appointed the Guardian ad Litem for the purposes of this adoption. Her report on the suitability of the applicant to adopt was filed on 8th May 2012, primarily stating that she and **Baby BI**, have bonded well and that the child is happily settled in the applicant's care and is well taken care of. The Guardian ad Litem vouches for the adoptive parent's moral aptitude and social capability to bring up the child in an upright manner, given her very kind, loving and caring demeanour.
5. The Director of Children's Services on the other hand, has in his report dated 8th May 2012, reported that the applicant is able to provide for the child in a manner that will guarantee her a better life than she would have in a home for abandoned children. To further safeguard the interests of the Child, the applicant has appointed one **JAA** the legal guardian, in the unlikely event that the applicant becomes permanently incapacitated or dies before the child attains the age of majority.
6. Both the guardian ad litem and the Director of Children's Services highly recommend, therefore, that the applicant be granted the authority to adopt **the child, Baby BI**, being of the view that the adoption is in the best interests of the child.
7. At the hearing of the application, it was submitted that Baby BI was born on 14th March 2010. She was abandoned in the house of MS and MM in Kawangware Muslim on 5th November 2010, by the mother, who said that she was going to relieve herself but never returned. The matter was reported to the police at Muthangari police station vide OB 24/6/11/2010. She was admitted at the New Life Home Trust on 6th November 2010 where she was later committed on 16th November 2010, pursuant to a committal order issued by the Children's Court, Nairobi.
8. The Muthangari police having formally informed New Life Home Trust that no claim had been made with them over the infant, **Baby BI** was certified free for adoption under a Certificate of Declaration to that effect issued by Little Angels Network an accredited adoption society, on 25th May 2011. She was thereafter released and placed under the foster care of the applicant on 26th May 2011 under a Care Agreement entered between the applicant and New Life Home Trust, annexed as annexure "**EXH 15**" to the applicants' affidavit in support of the adoption application. The minor has been under the care and custody of the applicant since.
9. The requisite studies and investigations have been carried out in regard to applicant's suitability to adopt the child and requisite reports duly filed. The report by the Children's Officer, ordered by this court on 10th February, 2012 and filed on 9th May 2012, recommends the adoption and renaming of **Baby BI** by the applicant, who, according to the Director of Children's Services has proved that she is both financially capable of and socially and morally fit to permanently fulfilling parental responsibilities over the child.
10. In considering this application, I have perused the reports filed by the Guardian ad Litem and the Director of Children Services, and thoroughly examined all the documentation filed in support thereof, including the pre-placement Report of the Little Angle's Network dated 25th May, 2011. The applicant's suitability, having been carefully assessed and positive recommendations filed by credible persons, I am satisfied that she does possess the requisite legal capacity to adopt the child, notwithstanding her status of a single lady (and therefore a sole applicant) and that she understands the entire adoption process, and its future implications for herself and the child, in particular, the need to provide the best for the adopted child all her life. I find her to be stable, medically fit and financially able to adopt **Baby BI**. She has undertaken and bound herself to bring her up as own child, in a healthy, happy and secure environment.
11. Considering the above, I have no hesitation in allowing the application, being satisfied that the proposed adoption is in the best interests of **Baby BI**. Accordingly, the Originating Summons dated 18th November 2011 is hereby allowed and orders granted in terms of prayers 3, 4 and 5 thereof.

DATED, SIGNED and DELIVERED at NAIROBI this 13th DAY OF JULY 2012.

M.G. MUGO

JUDGE

In the presence of :

Ms. Thungu holding brief for Ochieng Ogutu for the applicant.