

IN THE MATTER OF BABY S. M. ALIAS H. M.

JUDGEMENT

Before me is an application for an adoption order, dated 24th October 2011, brought inter alia, under **Sections 154, 156 (1), 157(1), 158(1), 4(a), 159,160(1),(2),(3),(4), 161, 163,164(1) and 170 of the Children’s Act, (Act No. 8 of 2001) and Sections 24 of the Interpretation and General Provisions Act (Chapter 2 of the Laws of Kenya).**

The applicant herein, **E. M. W.**, a single lady of **P.O. Box {particulars withheld} Nairobi** has moved the court, praying that she be authorized to adopt and rename a girl child, presently identified and known as **Baby S.** who, for the purposes of this ruling shall, where necessary, be referred to either “**Baby S.**” “*the minor*” or “*the child*”. The applicant proposes that she be known as **M. B. M. W.** upon adoption.

The applicant is a Kenyan citizen aged 47 years. The applicant has never married but does not rule out marriage and would marry, should she meet someone who respects her. Her decision to adopt a child while single is motivated by her passion to help a needy child. The applicant is employed and has filed the requisite statement and affidavit in support of the application, bearing all the supporting documents as necessary, including her contract of employment and a pre placement report describing immovable property that she owns.

On 2nd December 2011 on the applicant’s application, **I. W. G.** of P.O. Box **{particulars withheld}** Nairobi was appointed the Guardian ad Litem for the purposes of this adoption. She has filed a comprehensive report, dated 9th May 2012, primarily stating that **the child, Baby S.**, has bonded well with adoptive parent is happily settled in the applicant’s care and is well taken care of. She also vouches for the adoptive parent’s moral aptitude and social capability to bring up the child in an upright manner and to provide for her overall social and material well being.

The Director of Children’s Services on the other hand, has reported (in the report filed on 23rd January 2012) that the applicant is able to provide for the child in a manner that will guarantee not only her day to day needs and education but also guarantee her an inheritance, being aware of the child’s right to the same. To further safeguard the interests of the Child, the applicant has appointed one **B. N. S.** the legal guardian, in the unlikely event that the applicant becomes permanently incapacitated or dies before the child attains the age of majority.

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 S.**, being of the view that the adoption is in the best interests of the child.

At the hearing of the application, it was proved, through the documentation filed in support, that “**Baby S.**” was born on 4th June 2010 at Tigoni District Hospital to one **E. A. M.**, a single mother, as noted in the Acknowledgement of Birth Notification-serial number **{particulars withheld}**. The mother offered the baby for adoption prior to her birth for reasons that she lacked the means to provide for her and bring to her up. Her letter to this effect is dated 17th April 2010.

On 5th June, 2010 the baby was taken to Nest Children’s Home where she was later committed by the Children’s Court at Limuru on 21st July 2010. On 27th September, 2010 the child was placed under the foster care of the applicant under a care agreement entered between herself and Kenya to Kenya Peace Initiative Adoption Society and she has been under the continuous care and custody of the applicant since.

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 2nd December 2011 and filed on 17th November 2011, recommends the adoption and renaming of **Baby S.** 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.

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 1st September, 2010. 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 S.** She undertaken and bound herself to bring her up as own child, in a healthy, happy and secure environment.

Considering the above, I have no hesitation in allowing the application, being satisfied that the proposed adoption is in the best interests of **Baby S.** Accordingly, the Originating Summons dated 24th October 2011 is hereby allowed and orders granted in terms of prayers 2 and 3 thereof. The Registrar of persons shall make the appropriate entries in the register in recognition of this adoption.

DATED, SIGNED and DELIVERED at NAIROBI this 5th DAY OF JULY 2012.

M.G. MUGO

JUDGE

In the presence of :

Mr. Kimani holding brief for Ms. Kigwatha for the applicant.