



IN THE MATTER OF THE CHILDREN ACT (Act. No.8 of 2001)

AND

IN THE MATTER OF BABY R.

COURT AUTHORITY FOR ADOPTION (S.154 OF THE CHILDREN ACT)

JUDGEMENT

LM, aged 49 years (the Applicant) is a Kenya national. She is single. She made an application to this court on 23.3.2011 by way of Originating Summons under Section 154(1) of the Children Act, Cap 141, seeking authority of this court to adopt the child aged 3 years known as Baby R (**the child**) aged 3 years. The child was freed for adoption on 16th February 2010 as is evidenced by Certificate No[...] filed by the Kenya Children's Home Adoption Society, a registered Adoption Society in Kenya.

The child was abandoned at Ruiru on 26th May 2009 after birth. The incident was reported to Ruiru Police Station, and recorded in the O.B. of 26.5.2009 as No.47/03/06/2009. The child was taken to Thika District Hospital from where he was admitted to Thomas Barnados House on 3.7.2009. He was committed there on the same day by Thika R.M's Children's Court at Nairobi in P & C No.87 of 2009 of the same day. On 6th May 2010, the child was placed with the Applicant for bonding care and protection as required by Section 157(1) of the Children Act, Cap 141 following execution of a care agreement between the Home and the Applicant.

The Applicant was motivated to adopt the child because of her need to parent a second child and to enlarge her family. She already has another adopted child, B. who is a girl.

The Applicant is a Catholic and is well educated. She holds a postgraduate

degree (MBA) from [particulars withheld] University and has held responsible jobs. Her background shows a good upbringing in a family environment and relates well with her siblings who have given her support as a family. She is realistic about life and at age 40, she reckons that marriage may or may happen. She lives in a three bed roomed house off [particulars withheld] Hostel Nairobi. Her last job was with [particulars withheld] until August 2011. She is currently earning a living through occasional short term consultancy that generates on the average income in the tune of Shs.75,000/= p.m. She is financially capable of raising a family of two. The Applicant is in good health.

In the event that she is incapacitated or dies or is otherwise unable to care and raise the child, she has appointed **MM** and **AM** to step in her shoes and take up the responsibility of caring and raising the children.

The Applicant and the child have been assessed and evaluated by **The Kenya Children's Homes Adoption Society**, a registered Adoption Society in Kenya and by the **Director of Children Services** and the **Guardian ad Litem, Christine Ruguru Mwaniki**. I have perused the assessment and evaluation reports. They are favourable. The Applicant had care and control of the child for more than the requisite 3 consecutive months having fostered the child from 6.5.2010 and was evaluated before making the application. She has complied with the provisions of the Children Act including S.157 of the Act.

The authority to adopt should not be denied as the Applicant is qualified to adopt and is capable of raising the child. Local adoptions are to be encouraged if for no other reason than that they help to give better life to disadvantaged children whose prospects in life are improved and chances of their becoming more useful to themselves and society are greatly enhanced. Adoptions also serve to share out resources with those who are made part of one's family. I am satisfied that the adoption in this case is in the best interest of the child.

Accordingly, I grant the Applicant authority to adopt the child and I make the following orders:

1. The Applicant, **LM** is hereby authorized to adopt **Baby R, a child**.
2. The said child shall henceforth be known as **M**
3. The date of birth of the child, **M** is estimated to be **[particulars withheld]**.

4. The Legal Guardian of the child shall be **MM** and **AM**.
5. The Registrar General is hereby directed to enter this adoption in the Register of Adoptions.
6. For the avoidance of doubt, it is declared that all rights, duties, obligations and liabilities of the biological parents or guardians of the child are extinguished and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopting parent namely, **LM** as if the said child were her biological child and the child shall have the right to inherit the Applicant.

Dated at Milimani Law Courts, Nairobi, this 5th day of July 2012.

G.B.M. KARIUKI, SC

JUDGE

COUNSEL APPEARING

Miss Helen Kisaka Advocate, of Karimi & Company advocates for the Applicants

Mr. Kugwa – Court Clerk