



Case Number:	Adoption Cause 45 of 2011
Date Delivered:	19 Oct 2012
Case Class:	Civil
Court:	High Court at Nairobi (Milimani Law Courts)
Case Action:	Judgment
Judge:	Murugi Geteria Mugo
Citation:	IN THE MATTER OF BABY E.W[2012]eKLR
Advocates:	-
Case Summary:	-
Court Division:	Family
History Magistrates:	-
County:	-
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-

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REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 45 of 2011

IN THE MATTER OF THE CHILDREN'S ACT

(ACT NO. 8 OF 2001)

AND

IN THE MATTER OF BABY E.W

JUDGEMENT

1. Before me is an application for an adoption order, dated 25<sup>th</sup> January 2012, stated to have been brought under **Sections 154, 158, and 160 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)**.

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

3. The applicant is a Kenyan citizen aged 47 years. She was once married under customary law but was deserted by her husband in 1989 and has been single since. She says she is not interested in marriage and does not contemplate ever marrying again. Her decision to adopt a child while single is motivated by her passion to help a needy child. The applicant is self employed and has filed the requisite statement and affidavit in support of the application, bearing all the supporting documents as necessary, including copies of bank statements and a share certificate indicating ownership of some land, referred to in the pre-placement report filed in support of the application. To further safeguard the interests of the Child, the applicant has appointed one **M.W.G** the legal guardian, in the unlikely event that the applicant becomes permanently incapacitated or dies before the child attains the age of majority.

4. On 16<sup>th</sup> March 2012 on the applicant's application, **E. W.N** of P.O. Box [particulars withheld] (Uhuru Gardens) Nairobi was appointed the Guardian ad Litem for the purposes of this adoption. She has filed a comprehensive report, dated 21<sup>st</sup> May 2012, primarily stating that **the child, Baby E**, 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.

5. The Director of Children's Services on the other hand, has reported (in the report dated 19th June 2012 and filed on 3<sup>rd</sup> July 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. Investigations conducted have revealed also that the proposed

adoption has received full support from the applicant's family members.

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 E**, 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 E**" was born on 12<sup>th</sup> May, 2009 at Kenyatta National Hospital to one L.A.O who absconded and abandoned her at the Hospital's GFA ward on 8<sup>th</sup> July 2009. The matter was reported to Kenyatta Police Post vide OB No. 20/9/7/2009.

7. On 16<sup>th</sup> October, 2009 the baby was taken to Happy Life Children's Home where she was later committed by the Senior Principal Magistrate Court at Nairobi under a committal order dated 17<sup>th</sup> May, 2010. On 2<sup>nd</sup> December, 2010 the child was placed under the foster care of the applicant under a care agreement entered between herself and Happy Life Children's Home and she has been under the continuous care and custody of the applicant since.

8. 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 16<sup>th</sup> March 2012 was filed on 3<sup>rd</sup> July 2012. It recommends the adoption and renaming of **Baby E** by the applicant, who, according to the Director of Children's Services has proved that she is financially able, socially and morally fit to permanently fulfil parental responsibilities over the child.

9. 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 Kenya to Kenya Peace Initiative Adoption Society dated 15<sup>th</sup> February, 2012. 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).

10. Her parenting skills cannot be faulted and I am satisfied 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 E**. She undertaken and bound herself to bring her up as own child, in a healthy, happy and secure environment and she has the means to do so.

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 E**. Accordingly, the Originating Summons dated 25<sup>th</sup> January 2012 is hereby allowed and orders granted in terms of prayers 3, 4,5 and 6 thereof.

**DATED, SIGNED and DELIVERED at NAIROBI this 19<sup>th</sup> DAY OF October, 2012.**

**M.G. MUGO**

**JUDGE**

**In the presence of :** \_\_\_\_\_

Mr. Mandala holding brief for Ms. Onyinkwa for the applicant.



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