

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 95 OF 2016

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY LP

JUDGEMENT

1. On 19th May 2017 I delivered a ruling wherein I declined to make final orders as I had not been satisfied that the police had done investigations on the matter to establish whether the child in question had been abandoned. In response to the same, the applicants caused police officers from both the administration and regular police to attend court and testify on the matter. Their evidence was taken on 25th January 2018.

2. According to the records lodged herein by the Change Trust, the adoption agency arranging the adoption, the child in question was born on 16th March 2015 at the Kayole II Sub-District Hospital, and was abandoned at the hospital by his birth mother after delivery. A report of the abandonment was made at the Kayole Police Station and later at the Kayole Police Station. The child was taken to the New Life Home Trust for care and protection. He was later formally committed by the Nairobi Children's Court to the said institution for care and protection. The police were unable to trace his biological parents or other immediate relatives. The child was freed for adoption on 21st October 2015 by Change Trust by their certificate number [particulars withheld]. The child was placed with the applicants on 27th October 2015.

3. To facilitate this adoption, the applicants have been assessed by the Change Trust adoption agency, the Director of Children Services and the guardian *ad litem*, M K K. The three have compiled and filed their respective reports in court. That of the Director of Children Services is dated 12th January 2017, while that of the guardian *ad litem* is dated 1st March 2017. The report by Change Trust is dated 21st October 2015 and there is another by Buckner Kenya Adoption Services, which is undated but was forwarded to the court by a cover letter dated 4th October 2016. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child herself seems to have bonded well with them and he considers them to be his parents. The applicants do not have other children.

4. In the opinion of this court it would be in the best interests of the child that he is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in. Consequently, the applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if he was born to them. The applicants have 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 their property. The applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

5. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

(a) That the applicants, DLM and WWL, are hereby allowed to adopt the child Baby LP, who shall hereafter be known JAL;

(b) That the said child is Kenyan by birth and was born on 16th March 2015;

(c) That WJR and MCRK are hereby appointed legal guardians of the child in the event something untoward happens to the applicants;

(d) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and

(e) That the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 21ST DAY OF MARCH, 2018.

W. MUSYOKA

JUDGE