



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 163 OF 2014**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY S**

**JUDGEMENT**

1. The applicants, P N N and M G N, are Kenyan citizens. They are a married couple. They seek to adopt Baby S. Their originating summons is dated 10<sup>th</sup> June 2014.

2. The child in question was found by a Good Samaritan abandoned in the Mathare 4A area of Nairobi on 1<sup>st</sup> February 2012. The matter was reported at the Kasarani Police Station on 2<sup>nd</sup> February 2012. The police secured her admission at the Happy Life Children's Home, where she was later formally committed by the Nairobi Children's Court. The police were unable to trace her parents or other immediate relatives. It is presumed that she was born on 10<sup>th</sup> January 2012. The child was freed for adoption on 14<sup>th</sup> August 2012 by the Kenya Children's Home Adoption Society by their certificate number 0856. The child was placed with the applicants on 8<sup>th</sup> September 2012.

3. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Home Adoption Society, the Director of Children Services and the guardian *ad litem*, T W W. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 26<sup>th</sup> July 2017, while that of the guardian *ad litem* is dated 19<sup>th</sup> January 2018. The report by the Little Angels Network is dated 9<sup>th</sup> July 2014. 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 has bonded well with them and she considers them to be her parents.

4. In the opinion of this court it would be in the best interests of the child that she 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 she 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, P N N and M G N, are hereby allowed to adopt the child Baby S, who shall hereafter be known B N N;**

**(b) That it shall be presumed that the said child is Kenyan by birth and it shall be presumed that she was born on 10<sup>th</sup> January 2012:**

**(c) That R W M is hereby appointed legal guardian 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 20<sup>TH</sup> DAY OF APRIL, 2018.**

**W. MUSYOKA**

**JUDGE**