

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 183 OF 2014

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY D O alias D O O

JUDGEMENT

1. The applicants, Charles Okoth Omoroh and I A O, are Kenyan citizens. They are a married couple. They seek to adopt Baby D O alias D O O. Their Originating Summons is dated 1st July 2014.
2. The child in question was born on 28th July 2003 at the Pumwani Maternity Hospital to a known mother. His biological mother abandoned the child at the Kenyatta National Hospital on 20th August 2005. No one came to claim him thereafter. He was placed with the Missionaries of Mercy children's home, and to that institution he was later to be committed by the Nairobi Children's Court. A report of the abandonment was made at the Kilimani Police Station, and since then the police have been unable to trace the child's parents. The child was freed for adoption on 23rd November 2012 by the KKPI Adoption Society by their certificate number [Particulars withheld]. The child was placed with the applicants on 12th August 2013, and has been with them since.
3. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, J O W. The three have compiled and filed their reports in court. The report by the Director of Children Services is dated 11th April 2018, while that of the guardian *ad litem* is dated 17th November 2014. The report by the KKPI Adoption Society is dated 16th September 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 himself appears to have bonded well with them and he considers them to be his parents. I note that the male applicant has another wife and other children of his own.
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, C O O and I A O, are hereby allowed to adopt the child Baby D O alias D O O, who shall hereafter be known D O O;
 - (b) That the said child is Kenyan by birth and was born on 23rd July 2003;
 - (c) That N O 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 14TH DAY OF JUNE, 2018.

W. MUSYOKA

JUDGE