



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 23 OF 2017**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY L J**

**JUDGEMENT**

1. The applicants, D M C and J W M, are Kenyan citizens. They are a married couple. They seek to adopt Baby L J. Their Originating Summons is dated 15<sup>th</sup> February 2017.

2. The child in question was born on 16<sup>th</sup> February 2016 at the Matasia Nursing Home to a known mother who absconded from the hospital after she was unable to raise the medical bill. A report of the abandonment was made at the Matasia Police Station. The child was referred to the Pahali Pa Maisha children's home for care and protection, and the Kajiado Children's Court committed her to that institution officially on 8<sup>th</sup> March 2016. Reports from the Matasia Nursing Home and the Matasia Police Station indicate that no one went to claim the child. The child was freed for adoption on 5<sup>th</sup> October 2016 by the Kenya Children's Homes by their certificate number 1290. The child was placed with the applicants on 9<sup>th</sup> October 2016, and has been with them since then.

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*, E G. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 25<sup>th</sup> August 2017, while that of the guardian *ad litem* is dated 3<sup>rd</sup> April 2018. The report by the Kenya Children's Homes is dated 24<sup>th</sup> February 2017. 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 appears to have bonded well with them and she considers them to be her parents. I note that the applicants have another child of their own.

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 her 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, D M C and J W M, are hereby allowed to adopt the child Baby L J, who shall hereafter be known as M C;**
- (b) That the said child is Kenyan by birth and was born on 16<sup>th</sup> February 2016;**
- (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 14<sup>TH</sup> DAY OF JUNE, 2018.**

**W. MUSYOKA**

**JUDGE**