

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 72 OF 2016

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY E W

JUDGEMENT

1. The applicants, P M N and M W N, are Kenyan citizens. They are a married couple. They seek to adopt Baby E W. Their Originating Summons is dated 12th May 2016.

2. The child in question was born on 19th September 2010 to a woman called M W K, who died on 4th October 2010. The particulars and whereabouts of the father of the child are unknown. The child was offered up for adoption by her maternal grandfather, who indicated that the maternal grandmother was epileptic and the family was generally dysfunctional, meaning that there was no one to care for the child. The child was admitted at the Mahali AGC Baby Centre, for care and protection on 14th October 2010. She was eventually formally committed to that institution by the Nakuru Children's Court. The Nakuru Police Station has, by a letter dated 5th October 2012, indicated that the grandfather of the child who had surrendered the child to Mahali AGC Baby Centre never came back, and efforts to trace him and other relatives of the child were not successful.

3. The child was freed for adoption by the Kenya Children's Home Adoption Society by their certificate number [particulars withheld] of 16th October 2012. The child was placed with the applicant on 11th January 2013.

4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network adoption society, the Director of Children Services and the guardian *ad litem*, G W M. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 12th January 2017, while that of the guardian *ad litem* is dated 30th January 2017. The report by the Little Angels Network is dated 4th April 2012.

5. 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.

6. 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.

7. 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 M N and M W N, are hereby allowed to adopt the child, Baby E W, who shall hereafter be known F N M;

(b) That the said child is Kenyan by birth and was born on 19th September, 2010;

(c) That B K and M L K 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 30TH DAY OF JUNE, 2017.

W. MUSYOKA

JUDGE