



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 133 OF 2014
IN THE MATTER OF THE CHILDREN ACT 2001
AND
IN THE MATTER OF ADOPTION OF CHILD L.S
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
M M M.....1ST APPLICANT
Z N M.....2ND APPLICANT

JUDGMENT

1. The applicants are Kenyans aged 45 years old. The first applicant is a technical director in a civil engineering firm while the second applicant is a business lady. They are married with three children. They filed the originating summons on 14th May 2014 seeking to be allowed to adopt a female child who is estimated to have been born on 6th May 2011.
2. Child L S was on 6th November 2012 found abandoned at Machakos Prison gate. She was rescued and reported to Machakos Police Station where it was recorded in O.B No. [particulars withheld]. Through the District Children's Office, the child was placed at Springs of Hope Children's Home on 12th December 2012 by the Senior Magistrate Children's Court in Machakos vide Protection and Care No. [particulars withheld]. The child has not been claimed by anyone, and police investigations to reveal his parents and/or relatives have not borne any fruit. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by the Kenyans to Kenyans Peace Initiative Adoption Society on 29th May 2013 and was placed under the care of the applicants for mandatory bonding prior to adoption. She has been under the continuous care of the applicants from 12th July, 2013 to date.
3. The court on 19th September 2014 appointed S W N as guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicants. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicants be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable

and suitable to adopt the child. It was also found that the child and the applicants have bonded well. Both the child and the applicants have been evaluated by a registered adoption society.

4. The court finds that it is in the best interests of the child to be adopted by the applicants. The applicants have demonstrated their ability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was borne of them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. This court dispenses with the consent of the child's biological parents as the child was found abandoned.

5. Having been satisfied that all the legal requirements for a local adoption under the **Children Act** have been met, the following orders shall issue:-

- a. the applicants M M M and Z N M are hereby allowed to adopt Child L.S;
- b. Child L.S shall henceforth be known as D W M;
- c. the child's date of birth shall be 6th May 2011, and shall be presumed Kenyan by birth having been found abandoned at Machakos Prison gate in Kenya;
- d. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
- e. the guardian *ad litem* is hereby discharged.

SIGNED at NAIROBI this 14TH day of SEPTEMBER 2017.

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 18TH day of SEPTEMBER 2017.

W. MUSYOKA

JUDGE