

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 39 OF 2016

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY M G

JUDGEMENT

1. The applicants, N O M and G O K, are Kenyan citizens. They are a married couple. They seek to adopt Baby M G. Their Originating Summons is dated 15th March 2016.

2. The child in question was found by a Good Samaritan abandoned in the Milimani area of Maralal on 24th April 2014. The matter was reported at the Maralal Police Station on 23th September 2014. The police secured her admission at the House of Charity 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 21st April 2014. The child was freed for adoption on 7th August 2015 by the Little Angels Network by their certificate number [Particulars Withheld]. The child was placed with the applicants on 7th August 2015.

3. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, R G R. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 10th January 2017, while that of the guardian *ad litem* is dated 15th July 2016. The report by the Little Angels Network is dated 29th May 2015. 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.

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, N O M and G O K, are hereby allowed to adopt the child Baby M G, who shall hereafter be known W E M;

(b) That it shall be presumed that the said child is Kenyan by birth and it shall be presumed that she was born on 21st April 2014;

(c) That R G R and A R 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 8TH DAY OF DECEMBER, 2017.

W. MUSYOKA

JUDGE