

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 254 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY E R

JUDGEMENT

1. H K and H N M are a married Kenyan couple. They seek to adopt a female child, known for the purposes of these proceedings as Baby E R. They have moved the court by their Originating Summons dated 21st October 2014.
2. Baby E R was taken to the Mlolongo Police Station on 3rd December 2012 by a man called J M K, who alleged that the child had been abandoned with him by his estranged wife, L M. He alleged that the child had been born out of wedlock. The child was admitted at the Mahali Pa Maisha on 5th December 2012 for care and protection. She was later committed to the institution formally by the Athi River Children's Court. Police records indicate that no one came to claim her thereafter or to raise any concerns about her. She was declared free for adoption by the Little Angels Network adoption agency on 30th October 2013, who thereafter issued a certificate of even date to that effect. She was placed with the applicants on 7th December 2013. It was estimated that she was born on 15th July 2012.
3. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the Director of Children Services, and the guardians *ad litem*, A J K and R M K. They have compiled and filed their reports in court - the Little Angels Network's report is dated 30th October 2013, while that of the Director of Children's Services is dated 3rd August 2015. The guardian *ad litem*'s report is dated 6th August 2015 and is signed by R M G. All these reports are favourable and recommend the proposed adoption.
4. The applicants have filed documents that demonstrate that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with them and she considers them to be her parents.
5. 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 and thereafter be a useful member of the family. 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.
6. I am satisfied that all the legal requirements for a local adoption have been met. The court allows

the applicants' application to adopt the child. The applicants, H K and H N M, are hereby allowed to adopt the child, Baby E R. She shall hereafter be known as Hope A K. A J K and R M K are hereby appointed the legal guardians of the child in the event of the untoward happening to the applicants. As the child was abandoned within Kenya, it shall be presumed that she is Kenyan by birth. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 29TH DAY OF JANUARY 2016.,

W. MUSYOKA

JUDGE