

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 107 OF 2015 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY A I

JUDGEMENT

1. G G M and A W M are a married Kenyan couple. They seek to adopt a female child, known for the purposes of these proceedings as Baby A I. They have moved the court by their Originating Summons dated 28th April 2014.
2. Baby A I was found abandoned within the Shauri Moyo area of Nairobi on 12th April 2014. A report of the abandonment was made at the Buru Buru Police Station. The child was admitted at the Imani Children's Home for care and protection. She was later committed to the home formally by the Nairobi Children's Court. Police records indicate that the police were unable to trace her biological parents. She was declared free for adoption by the KKPI Adoption Society on 24th April 2013, who thereafter issued a certificate of even date to that effect. She was placed with the applicants on 20th April 2014. It was estimated that she was born on 12th April 2010.
3. To facilitate this adoption, the applicant has been assessed by the KKPI Adoption Society, the Director of Children Services, and the guardian *ad litem*, Catherine Njeri Kirianjahi. They have compiled and filed their reports in court - the KKPI Adoption Society's report is undated, but was filed in court on 15th May 2015, while that of the Director of Children's Services is dated 26th August 2015. The guardian *ad litem*'s report is dated 19th October 2015. 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, G G M and A W M, are hereby

allowed to adopt the child, Baby A I. She shall hereafter be known as A W G. S W M is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicants. As the child was found abandoned within Kenya, it shall be presumed that he 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