

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 271 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY B W

JUDGEMENT

1. F M K and M W M are a married Kenyan couple. They seek to adopt a male child, known for the purposes of these proceedings as Baby B W. They have moved the court by their Originating Summons dated 20th November 2014.
2. Baby B W was born at the Thika Level Five Hospital on 8th December 2013, and was abandoned at the said hospital by his birth mother. He was later transferred to the Kenyatta National Hospital. The child was admitted at the Nest Children's Home for care and protection. He was later formally committed to the institution by the Nairobi Children's Court. The matter of the abandonment was handled by the Kenyatta National Hospital Police Post. Police records indicate that their efforts to trace the child's parents or his relatives did not bear fruit. The child was freed for adoption by the Little Angels Network adoption agency on 15th August 2014, who thereafter issued a certificate of even date to that effect. He was placed with the applicants on 28th August 2014.
3. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the Director of Children Services, and the guardian *ad litem*, M W W. They have compiled and filed their reports in court - the Little Angels Network's report is dated 15th August 2014, while that of the Director of Children's Services is dated 11th August 2015. The guardian *ad litem*'s report is dated 7th January 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 he considers them to be his parents.
5. In the opinion of this court it would be in the best interests of the child that he 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 he 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, F M K and M W M, are hereby allowed to adopt the child, Baby B W. He shall hereafter be known as M K M. P K M and P W N

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 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