

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 124 OF 2015 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J

JUDGMENT

1. R M J O and L O are a married Kenyan couple. They seek to adopt a male child, known for the purposes of these proceedings as Baby J. They have moved the court by their Originating Summons dated 12th May 2015.

2. Baby J was born on 1st July 2014 at home to a mother known as S W. The birth mother and her husband gave him up for adoption on the grounds that they already had too many children who they were raising with considerable financial difficulty. They signed the requisite consent papers. The child was admitted at the Thomas Barnados House for care and protection. He was committed to the home formally by the Nairobi Children's Court. He was declared free for adoption by the Kenya Children's Home adoption society on 15th October 2014, who thereafter issued a certificate of even date to that effect. He was placed with the applicants on 23rd December 2014.

3. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Home adoption society, the Director of Children Services, and the guardian *ad litem*, B D A M. They have compiled and filed their reports in court - the Kenya Children's Home adoption society's report is dated 29th May 2015, while that of the Director of Children's Services is dated 17th July 2015. The guardian *ad litem*'s report is dated 1st July 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, R M J O and L O, are hereby allowed to adopt the child, Baby J. He shall hereafter be known as K T O. J O is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicants. As the child was born to known Kenyan

parents, he is hereby declared 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