



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 265 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY A
JUDGEMENT

1. The applicants, A K K and P M M, are Kenyan citizens. They are a married couple. They seek to adopt Baby A. Their originating summons is dated 8th November 2013.
2. The child in question was abandoned at the Makuyu Health Centre on 4th November 2011 by its birth mother shortly after birth. A report of the matter of the abandonment was made at the Thika Police Station. The child was admitted at the Thomas Barnados House for care and protection, where he was eventually formally committed by the Thika Children's Court. The police were unable to trace his biological parents.
3. The child was freed for adoption by the Kenya Children's Home Adoption Society by their certificate of 12th June 2012. The child was placed with the applicants for the bonding period on 30th November 2011. The child was born on 4th November 2011.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Home Adoption Society, the Director of Children Services and the guardian *ad litem*, M J. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 28th August 2015, while that of the guardian *ad litem* is undated. The report by the Kenya Children's Home Adoption Society is dated 9th December 2013.
5. 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 himself appears to have bonded well with them and he considers them to be his parents.
6. 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 applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. 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, A K K and P M M, are hereby allowed to adopt the child Baby A, who shall hereafter be known A M K;**
 - b. **That the subject child shall be presumed to be Kenyan by birth;**
 - c. **That C K and N K 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 24TH DAY OF MARCH, 2016.

W. MUSYOKA

JUDGE