



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 103 OF 2015 (OS)
AND
IN THE MATTER OF THE CHILDREN ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY DM
JUDGMENT

1. The applicants, ZPMM and ERNM are Kenyan citizens. They are a married couple. They seek to adopt Baby DM. Their originating summons is dated 15th April 2015.
2. The child in question was found by Good Samaritans abandoned on 5th March 2014 in the Githurai area of Nairobi. A report of the matter was made at the Githurai Kimbo Police Station. The child was admitted at the New Life Home Trust, Nairobi, for care and protection, where he was eventually formally committed by the Nairobi Children's Court. The police were unable to trace his biological parents.
3. The child was freed for adoption by the Little Angels Network adoption agency by its certificate of 2nd October 2014. The child was placed with the applicants for the bonding period on 4th October 2014. It is presumed that the child was born on 1st 6th August 2014.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, AMY. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 18th September 2015, while that of the guardian *ad litem* is dated 22nd January 2016. The report by the Little Angels Network is dated 2nd October 2014.
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 ZPMM and ERNM, are hereby allowed to adopt the child Baby DM, who shall hereafter be known CMM;**
- b. **That the subject child shall be presumed to be Kenyan by birth as he was found abandoned within Kenyan borders;**
- c. **That EGM and RJNK 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