



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 64 OF 2015 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY S R**  
**JUDGEMENT**

1. The applicants, B W B and J W W, are Kenyan citizens. They are a married couple. They seek to adopt Baby S R. Their originating summons is dated 5<sup>th</sup> March 2015.
2. The child in question was rescued from a pit latrine on 18<sup>th</sup> January 2014 by good Samaritans in the Coast Village, Kawangware, Nairobi. A report of the matter was made at the Muthangari 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 30<sup>th</sup> July 2014. The child was placed with the applicants for the bonding period on 29<sup>th</sup> January 2014. It is presumed that the child was born on 1<sup>st</sup> 6<sup>th</sup> 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*, Lucy Kimaru. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 3<sup>rd</sup> August 2015, while that of the guardian *ad litem* is dated 17<sup>th</sup> December 2015. The report by the Little Angels Network is dated 4<sup>th</sup> August 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, B W B and J W W, are hereby allowed to adopt the child Baby S R, who shall hereafter be known S B W;**
- b. **That the subject child shall be presumed to be Kenyan by birth as he was found in a pit latrine within Kenyan borders;**
- c. **That B O O and S A O 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 24<sup>TH</sup> DAY OF MARCH, 2016.**

**W. MUSYOKA**

**JUDGE**