



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MILIMANI**  
**ADOPTION CAUSE NO. 77 OF 2015 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY L alias M A**  
**JUDGEMENT**

1. The applicants, C M S and E M M, are Kenyan citizens. They are a married couple. They seek to adopt Baby L alias M A. Their Originating Summons is dated 23<sup>rd</sup> March 2015.
2. The child in question was born at the Mama Lucy Kibaki Hospital on 11<sup>th</sup> September 2012 by a mother who died shortly thereafter. The father of the child is unknown. The new born was abandoned by her relatives, who removed the body of her mother from the hospital but left the child at the hospital. A report of the matter was made at the Kayole Police Station on 29<sup>th</sup> October 2012. The child was admitted at the Missionaries of Mercy, Huruma, Nairobi, for care and protection, where she was eventually formally committed by the Nairobi Children's Court. The police were unable to trace her relatives.
3. The child was freed for adoption by the Buckner Kenya Adoption Services, by its certificate of 11<sup>th</sup> April 2014. The child was placed with the applicants for the bonding period on 22<sup>nd</sup> April 2014.
4. To facilitate this adoption, the applicants have been assessed by the Buckner Kenya Adoption Services, the Director of Children Services and the guardian *ad litem*, R M K. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 7<sup>th</sup> August 2015, while that by the guardian *ad litem* is dated 5<sup>th</sup> April 2015. The declaration report by the Buckner Kenya Adoption Services is undated.
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 herself appears to have bonded well with them and she considers them to be her parents. I have noted from the reports that the applicants have two biological children of their own both of whom have consented in writing to the proposed adoption.
6. In the opinion of this court it would be in the best interests of the child that she 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 she 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, C M S and E M M, are hereby allowed to adopt the child Baby L alias M A, who shall hereafter be known L U M;**
- b. **That the subject child shall be presumed to be Kenyan by birth as she was found abandoned within Kenyan borders;**
- b. **That A M F C S is hereby appointed legal guardian 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 27<sup>TH</sup> DAY OF MAY, 2016.**

**W MUSYOKA**

**JUDGE**