

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 52'B' OF 2015

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY E

JUDGEMENT

1. The applicants, A W C and J M M, are Kenyan citizens. They are a married couple. They seek to adopt Baby E. Their Originating Summons is dated 23rd February 2015.

2. The child in question was born on 7th January 2013 to a mother called L C. The biological mother gave up the child for adoption and signed a relevant consent. She stated that she was financially incapable of raising the child as she was minor when she had her, and she was also an orphan living with her grandmother. She and her grandmother executed the relevant consent forms, and the child was handed over and admitted at the Hope House Babies Centre, for care and protection. She was eventually formally committed to that institution by the Nairobi Children's Court.

3. The child was freed for adoption by the KKPI Adoption Society by their certificate number [particulars withheld] of 27th August 2013. The child was placed with the applicant on 31st October 2013.

4. To facilitate this adoption, the applicants have been assessed by the KKPI Adoption Society, the Director of Children Services and the guardian *ad litem*, P W. The three have compiled and filed their reports in court. That by the Director of Children Services is dated 17th August 2016, while that of the guardian *ad litem* is dated 1st May 2015. The report by the KKPI Adoption Society is undated but was filed in court on 20th March 2015.

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.

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 applicants 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 W C and J M M, are hereby allowed to adopt the child Baby E, who shall hereafter be known G W;

(b) That the said child is hereby declared to be Kenyan by birth; her date of birth is 7th January 2013.

(c) That S W M 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 25TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE