



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 146 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY BM**

**JUDGEMENT**

1. The applicants, HGM and PWG, are Kenyan citizens. They are a married couple. They seek to adopt Baby BM. Their Originating Summons is dated 27<sup>th</sup> May 2015.
2. The child in question was rescued by the Assistant Chief of [particulars withheld] Sub-Location within Kibera in Nairobi on 21<sup>st</sup> August 2013. The child appeared malnourished so upon rescue she was taken to the Nairobi Women's Hospital for treatment. The matter of the abandonment was reported at the Capital Hill Police Station the same day. The child was referred to and admitted at the New Life Home, for care and protection on the same day. She was eventually formally committed to that institution by the Nairobi Children's Court. The police were unable to trace her biological parents or other relatives. The child is estimated to have been born on 16<sup>th</sup> July 2013.
3. She was freed for adoption by the Little Angels Network adoption agency by their certificate number [particulars withheld] of 2<sup>nd</sup> October 2014. The child was placed with the applicants on 4<sup>th</sup> October 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*, JMM. The three have compiled and filed their reports in court. That by the Director of Children Services is dated 1<sup>st</sup> April 2016, while that of the guardian *ad litem* is dated 13<sup>th</sup> January 2016. The report by the Little Angels Network is dated 30<sup>th</sup> July, 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 herself appears to have bonded well with them and she considers them to be her parents. I note that the applicants have a biological child of their own.
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. 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, HGM and PWG, are hereby allowed to adopt the child Baby Blessing Malaika, who shall hereafter be known as TKG;**

**(b) That it shall be presumed that the said child is Kenyan by birth and it shall be presumed**

that she was born on 12<sup>th</sup> April 2013.

(c) That JMM and DWK 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 25<sup>TH</sup> DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE