



**REPUBLIC OF KENYA**

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

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 294 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY P M**

**JUDGEMENT**

1. The applicants, S K M and B M K, are Kenyan citizens. They are a married couple. They seek to adopt Baby P M. Their Originating Summons is dated 11<sup>th</sup> December 2015.
2. The child in question was abandoned at the offices of the Children Officer at Ruiru on 9<sup>th</sup> July 2013 by a woman called C N, who was presumed to be his mother. The woman was said to be epileptic and of unsound mind. The matter was reported at the Ruiru Police Station. The child was referred to and admitted at the Angel Children's Centre, for care and protection on the same day. He was eventually formally committed to that institution by the Thika Children's Court. The police were unable to trace his biological parents or other relatives. The child is estimated to have been born on 12<sup>th</sup> April 2013.
3. The child was freed for adoption by the KKPI Adoption Society by their certificate number [particulars withheld] of 25<sup>th</sup> March 2015. The child was placed with the applicants on 11<sup>th</sup> April 2015.
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*, V W. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 20<sup>th</sup> June 2016, while that of the guardian *ad litem* is dated 25<sup>th</sup> May 2015. The report by the KKPI Adoption Society is undated but was filed in court on 9<sup>th</sup> 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 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. 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 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, S K M and B M K, are hereby allowed to adopt the child Baby P M, who shall hereafter be known P M;**

**(b) That it shall be presumed that the said child is Kenyan by birth and it shall be presumed that he was born on 12<sup>th</sup> April 2013.**

**(c) That F K and J M 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**