

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

Adoption Cause No. 239 Of 2015

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY T G Alias UNKNOWN
ABANDONED BABY GIRL THE CHILD**

JUDGEMENT

1. The applicants, P M W and R M M, are Kenyan citizens. They are a married couple. They seek to adopt Baby T G alias Unknown Abandoned Baby Girl the Child. Their Originating Summons is dated 22nd September 2015.
2. The child in question was found by an Assistant Chief abandoned in the Juja area at the gate of Star of Hope Children Centre on 18th March 2014. The matter was reported at the Juja Police Station the same day. The child was referred to and admitted at the House of Charity children's home, for care and protection on the same day. She was eventually formally committed to that institution by the Thika Children's Court. The police were unable to trace her biological parents or other relatives. The child is estimated to have been born on 16th March 2014.
3. The child was freed for adoption by the Little Angels Network adoption agency by their certificate number [*particulars withheld*] of 27th February 2015. The child was placed with the applicant 6th March 2015.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the *guardians ad litem*, I M K and A M N. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 25th May 2016, while those by the *guardians ad litem* are undated. The report by the Little Angels Network is undated but was filed in court on 29th October 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 he 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. 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, P M W and R M M, are hereby allowed to adopt the child Baby T G alias Unknown Abandoned Baby Girl the Child, who shall hereafter be known M T M M;

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

that she was born on 12th April 2013.

(c) That I M and A 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 25TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE