



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
ADOPTION CAUSE NO. 225 OF 2015

IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF BABY S. (A CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

S M K.....1ST APPLICANT

M WM.....2ND APPLICANT

JUDGMENT

1. The applicants are Kenyan couple who are aged 43 and 46,
2. Baby V.I. was on 7th February 2014 found abandoned in Nairobi and taken to Kayole Police Station where she was recorded in OB NO.[particulars withheld]. She was committed to Imani Children Home by Children Court at Milimani vide P & C Cause No. [particulars withheld] of 2014. The child was declared free for adoption on 10th April 2015 through certificate No. [particulars withheld] issued by Buckner Kenya Adoption Services and then placed with the applicants for mandatory bonding prior to adoption. They have had continuous custody of the child since then. Police have indicated that they tried, without success, to trace the mother or relatives of the child.
3. On 5th February 2016 the court appointed T W K as guardian *ad litem*. She conducted a home study of the applicants following which she prepared a report dated 24th March 2016 to say that the child had bonded well with the couple and its extended family, was in good health and had brought a lot of happiness to the family. The Director of Children Services filed a report on 6th June 2016 to say that the applicants were socially and emotionally responsible and mature, and were financially able to provide for

the child.

4. This court has considered these reports and the facts of the case and has formed the opinion that it is in the best interests of the child for her to be adopted by the applicants. The applicants have provided a conducive home and family environment in which she can grow and develop. They shall assume all parental rights and duties of the biological parents of the child once adopted, and shall treat her as if she was born to them. They 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 shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The court dispenses with the consent of the child's biological parents as she was found abandoned.

5. The court is satisfied that all the legal requirements for a local adoption under the **Children Act (Cap 141)** have been met. Therefore, the following orders shall issue:- other changes in the child. The court dispenses with the consent of the child's biological parents as he was found abandoned.

6. Having been satisfied that all the legal requirements for a local adoption under the **Children Act (Cap 141)** have been met, the following orders shall issue:-

- a) the applicants S M K and M W M are hereby allowed to adopt baby S. who shall henceforth be known as S D K M;
- b) the child's date of birth shall be 22nd January 2014, and shall be presumed Kenyan by birth having been found abandoned at [particulars withheld] within Makongeni area in Thika within Kenya;
- c) A M and R M are hereby appointed as legal guardians to the child in the event of death or incapacity of the applicants before he is of full age and fully self-reliant;
- d) the Registrar-General is directed to enter this adoption in the Adopted Children Register;
- e) the Director of Immigration Services is hereby ordered to issue the child S D K M with a Kenyan Passport; and
- f) the guardian *ad litem* is hereby discharged.

SIGNED at NAIROBI this 14th day of NOVEMBER 2016.

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 17th NOVEMBER 2016.

R.E. OUGO

JUDGE