



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

Adoption Cause No. 213 Of 2014

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY S

JUDGEMENT

1. The applicants, *particulars withheld*, are Kenyan citizens. They are a married couple. They seek to adopt Baby S. Their Originating Summons is dated 11th December 2015.
2. The child in question was born on 9th June 2010 at Mbagathi Hospital to a woman called *particulars withheld*. The woman said she was unable to raise the child and gave him up for adoption. She was counselled and referred to the Kenya Children's Homes, where she repeated her desire to give up the child. She signed the relevant papers, and when the child was discharged from hospital, he was admitted at the Thomas Barnados House on 18th June 2010 for care and protection. He was eventually formally committed to that institution by the Nairobi Children's Court. The police were unable to trace his biological parents or other relatives.
3. The child was freed for adoption by the Kenya Children's Homes Adoption Society by their certificate number [Particulars withheld] of 12th October 2010. The child was placed with the applicant 10th December 2014.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes Adoption Society, the Director of Children Services and the guardian *ad litem*, *particulars withheld*. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 3rd August 2016, while that of the guardian *ad litem* is dated 17th September 2015. The report by the Kenya Children's Homes Adoption Society is dated 30th September 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 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, *particulars withheld* are hereby allowed to adopt the child Baby S, who shall hereafter be known *particulars withheld*;
- (b) That it is hereby declared that the said child is Kenyan by birth, born on 9th June 2010.
- (c) That *particulars withheld* 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 and SIGNED at NAIROBI this 16TH DAY OF DECEMBER, 2016.

W. MUSYOKA

JUDGE

DELIVERED and SIGNED this 20TH DAY OF DECEMBER, 2016.

R. OUGO

JUDGE