



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 106 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY W**

**JUDGEMENT**

1. The applicants, P K N and B N N, are Kenyan citizens. They are a married couple. By their Originating Summons dated 25<sup>th</sup> November 2012 they seek to adopt a male child known for purpose of these proceedings known as Baby W.
2. The subject child, Baby W, was born on 11<sup>th</sup> March 2011 at Nanyuki to a known mother who gave him up for adoption on grounds of poverty and financial inability to care for him. She signed the relevant consent papers. The child was admitted at the Hope House Babies Home, and he was later to be formally committed there by the Nairobi Children's Court. He was placed with the applicants on 22<sup>nd</sup> December 2011 for the bonding period.
3. This adoption is being arranged by the Child Welfare Society of Kenya adoption agency. The said adoption agency declared the child free for adoption through their certificate of 26<sup>th</sup> November 2013.
4. To facilitate this adoption, the applicants have been assessed by the Child Welfare Society of Kenya adoption agency, the guardian *ad litem*, J N M and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services is dated 9<sup>th</sup> September 2014, while that by the Child Welfare Society of Kenya is dated 5<sup>th</sup> December 2013. The report of the guardian *ad litem* is dated 8<sup>th</sup> 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 appears to have bonded well with them and he considers them to be his 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 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 and thereafter be a useful member of the family. 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 applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
7. I have noted from the record that the child was placed with the applicants before he was freed for

adoption. I have noted too that he had been with the applicants since 22<sup>nd</sup> December 2011. The Director of Children Services has not in his report raised issue with this and has recommended the adoption.

8. I find that the application before me has merit and I hereby permit the applicants, P K N and B N N, to adopt Baby W to be known hereafter as E L K N. I hereby appoint M W N the child's legal guardian should misfortune befall the applicants during the child's minority. The child is Kenyan by birth as he was born to a known Kenyan mother. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

**DATED, SIGNED and DELIVERED at NAIROBI this 20<sup>TH</sup> DAY OF February 2015.**

**W MUSYOKA**

**JUDGE**