

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 161 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY S M

JUDGEMENT

1. G M C and S W M is a married Kenyan couple. They seek to adopt a male child, known for the purposes of these proceedings as Baby S M. They have moved the court by their Originating Summons dated 7th June 2014.
2. Baby S M was born on 16th May 2005 and abandoned on 20th May 2005 at the Kiambu District Hospital by his birth mother. A report of the abandonment was made at the Kiambu Police Station on 23rd May 2005. The child was referred to the Tumaini Children's Home for care and protection. He was committed to the home formally by the Kiambu Children's Court. The police reported that they were unable to trace his parents. He was placed with the applicants on 20th April 2013. He was declared free for adoption by the Little Angels Network adoption society by their certificate dated 10th April 2013.
3. To facilitate this adoption, the applicant has been assessed by the Little Angels Network adoption society, the Director of Children Services, and the guardian *ad litem*, B W O. These three have compiled and filed their reports in court - the Little Angels Network adoption society's report is dated 6th February 2013, while that of the Director of Children's Services is dated 17th November 2013. The guardian *ad litem*'s report is dated 10th September 2014, and was filed in court on 23rd October 2012. All these reports are favourable and recommend the proposed adoption. The applicants have filed documents that demonstrate 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 she considers them to be her parents.
4. 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 and society at large. 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.
5. I am satisfied that all the legal requirements for a local adoption have been met. The court allows the applicants application to adopt the child. The applicants, G M C and S W M, are hereby allowed to adopt the child, Baby S M. She shall hereafter be known as S C M. S N M and S W C are hereby appointed the legal guardians of the child in the event of the untoward happening to the applicants. As the child was born to a known Kenyan mother, he is hereby declared Kenyan by

birth. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 31ST DAY OF JULY, 2015.

W MUSYOKA

JUDGE

In the presence of Ms. Osoro advocate for the applicant.