



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 291 OF 2014 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY AG**

**JUDGEMENT**

1. AMOL and EME is a married couple of Kenyan and American origin, respectively. They seek to adopt a male child, known for the purposes of these proceedings as Baby AG. They have moved the court by their Originating Summons dated 5<sup>th</sup> December 2014.

2. Baby AG was born on 24<sup>th</sup> October 2013 to one GA of Vihiga County, Kenya. He was a taboo child for he was born out of an incestuous relationship. For that reason his birth mother gave him up for adoption and provided all the necessary consents. Consents were also provided by the grandmother and the father of the child. The child was admitted at the New Life Home Trust, Kisumu, at the request of the Vihiga District Children's Officer, and the Kisumu Children's Court formally committed him to the said institution in Protection and Care Case No. 238 of 2014 on 28<sup>th</sup> May 2014. He was placed with the applicants on 25<sup>th</sup> August 2014 for the bonding period. He was declared free for adoption by the Little Angels Network adoption agency by their certificate dated 15<sup>th</sup> August 2014.

3. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services, and the guardian *ad litem*, HNW. These three have compiled and filed their reports in court - the Child Welfare Society of Kenya adoption society's report is dated 15<sup>th</sup> August 2014, while that of the Director of Children's Services is dated 16<sup>th</sup> July 2015. The guardian *ad litem*'s report is dated 29<sup>th</sup> July 2015. All these reports are favourable and recommend the proposed adoption. I note that the applicants have one biological child of their own.

4. 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 he considers them to be his parents.

5. 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 become a useful member of the family and the society at large. Consequently, the applicants shall assume all parental rights and duties of the biological parents 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.

6. I am satisfied that all the legal requirements for a local adoption have been met, and I therefore allow the applicants' application to adopt the child. The applicants, AMOL and EME, are hereby allowed to adopt the child, Baby AG. He shall hereafter be known as BEL. RLA and SMUN are hereby appointed legal guardians of the child in the event of the untoward happening to the applicants. The child is hereby declared Kenyan by birth as he was born to a known Kenyan mother. 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 30<sup>TH</sup> DAY OF OCTOBER, 2015.**

**W MUSYOKA**

**JUDGE**