



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MOMBASA**

**ADOPTION CAUSE NO. 23 OF 2015 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY E K**

**JUDGEMENT**

1. N M T and N K M is a married Kenyan couple. They seek to adopt a Female child, known for the purposes of these proceedings as Baby E K. They have moved the court by their Originating Summons dated 15th June 2015.
2. E K was abandoned outside Tusky's Beba Beba Supermarket in Nairobi. She was rescued by good Samaritans who made a report at Kamukunji Police Station. The child was referred to the Thomas Barnado House in Nairobi for care and protection, and later to Cottolengo Centre, Nairobi for better care and protection owing to her sero reactive status at the time. The Children's Court at Nairobi later formally committed the child to the said institution. The child was placed with the Applicants on 16.9.14.
3. The court did on 22.7.15 approve the appointment of J M L as the Guardian *ad litem* in this matter.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network a registered adoption society, the Director of Children Services, and J M L the guardian *ad litem* and all have filed their respective reports.
5. Little Angels Network which arranged the adoption declared the minor free for adoption *vide* its certificate dated 15.8.14. The adoption society's report dated 15.8.14 was filed in Court on 25.8.15. The Director of Children Services' report was filed on 7.10.15 while the Guardian *ad litem* filed his on 2.10.15. All these reports are favourable and recommend the proposed adoption.
6. The Applicants for their part 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 the Applicants and considers them to be her parents. The Applicants have 3 biological children of their own.
7. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be 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.

8. The Applicants have been made aware of the consequences of an adoption order. They shall assume all parental rights and duties of the biological parents in respect of the child. They shall treat the adopted child as if she was born to them. That the adoption order is 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.

9. The Court is further satisfied that all the legal requirements for a local adoption have been met and makes the following Orders as prayed in the Originating Summons dated 15.6.15:

- a. The Applicants, N M T and N K M are hereby allowed to adopt baby E K who shall henceforth be known as L E K.
- b. The Child's date of birth is declared to be 19.10.11.
- c. The Child is hereby declared to be a Kenyan citizen by birth.
- d. F K Mi is hereby appointed legal guardian of the child in the event that the Applicants die or are incapacitated by ill-health.
- e. I direct the Registrar General to enter this order in the Adoption Register.
- f. The guardian *ad litem* is hereby discharged.

It is so ordered.

**DATED, SIGNED and DELIVERED at MOMBASA this 11<sup>th</sup> day of November, 2015.**

**M. THANDE**

**JUDGE**

**In the presence of: -**

..... **for the Applicants**

..... **Court Assistant**