

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 7 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY C W [minor]

JUDGEMENT

The applicants, G D O and M O O, are Kenyan citizens. They are a married couple. By their Originating Summons dated 19th October 2011 they seek to a female child called Baby C W **[minor]**.

1. Baby C W **[minor]** was found abandoned in a bush in *[particulars withheld]* Sub-Location. The matter was reported at the Muranga Police Station. It is presumed that she was born on 30th December 2010. Her parents have not been traced to date. She was committed to the Dagoretti Children's Home, from where she was placed with the applicants on 15th August 2011.
2. This adoption is being arranged through the KKPI Adoption Society. The said adoption agency declared the child free for adoption through their certificate of 21st February 2013.
3. To facilitate this adoption, the applicants have been assessed by the guardian *ad litem*, G A and the Director of Children Services. These two have compiled and filed their reports in court, both dated 24th September 2013.
4. 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 she considers them to be her parents.
5. In the opinion of this court it would be in the best interests of the child that she 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.
6. I hereby permit the applicants, G D O and M O O, to adopt Baby C W **[minor]** to be known hereafter as C M D**[minor]**. I appoint S A O the child's legal guardian should misfortune befall the applicants during the child's minority. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.
7. The child was found abandoned in Kenya and she shall therefore be presumed to be Kenyan by birth. She shall be accorded all the rights that accrue to Kenyan citizens under the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 31st DAY OF January, 2013.

W. MUSYOKA

JUDGE