



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 137 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY M
JUDGEMENT

1. The applicants, L K R and M W K, are Kenyan citizens. They are a married couple who are currently resident in Kenya. They seek to adopt a female child called Baby M. Their originating summons is dated 7th June 2013.
2. The child in question was found abandoned on 22nd May 2011 at a place that is not documented, but the matter of the abandonment was reported at the Maralal Police Station. It is to be presumed that the said child was found within Samburu County. The police in conjunction with the local state children's officers referred the child to the Missionaries of Charity Children's Home at Maralal for care and protection. The child was later transferred to the Missionaries of Charity Children's Home at Nairobi, from where the child was placed with the applicants on 15th September 2011. It is estimated that he was born on the 22nd day of May 2011.
3. The child was freed for adoption by the KKPI Adoption Society, by its certificate of 18th September 2013.
4. To facilitate this adoption, the applicants have been assessed by the KKPI Adoption Society, the Director of Children Services and the guardian *ad litem*, M G. The three have compiled and filed their reports in court. That of the KKPI Adoption Society is undated, while that of the Director of Children Services is dated 26th November 2013. That of the guardian *ad litem* is dated 15th September 2013.
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 herself appears to have bonded well with them and she considers them to be her parents.
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 to 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 am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

- a. That the applicants, L K R and M W K, are hereby allowed to adopt the child known as Baby M, who shall hereafter be known M B W K;
- b. That the said child shall be presumed Kenyan by birth as he was found abandoned in the Samburu County within Kenya.
- c. That J K is hereby appointed legal guardian of the child should misfortune befall the applicants;
- d. That the Registrar-General is directed to enter this adoption order in the adoption register; and
- e. That the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 25th DAY OF April, 2014.

W. MUSYOKA

JUDGE

In the presence ofadvocate for the applicants.