



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 208 OF 2012 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY K D alias C F K K**

**JUDGEMENT**

1. The applicants, J K K and J W K, are Kenyan citizens, respectively. They are a married couple who are currently resident in Kenya. They seek to adopt Baby K D alias C F K K. Their originating summons is dated 14<sup>th</sup> August 2012.
2. The child in question was found abandoned on 7<sup>th</sup> August 2010 in the Nairobi Bus Station. The matter was reported at the Kiambu Police Station, who referred the child to the Kiambu District Hospital, from where the child was discharged on 12<sup>th</sup> August 2010. He was admitted at the Angel Centre for Abandoned Children, from where the applicants took custody of him on 23<sup>rd</sup> August 2010 for the mandatory three month period. It is estimated that he was born on the 24<sup>th</sup> July 2010
3. The child was freed for adoption by the KKPI Adoption Society, by its certificate of 29<sup>th</sup> June 2012.
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 N G. The three have compiled and filed their reports in court. The report by the KKPI Adoption Society is undated, while that of the Director of Children Services is dated 19<sup>th</sup> November 2013. That by the guardian *ad litem* is dated 30<sup>th</sup> July 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 himself appears to have bonded well with them and he considers them to be his 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, J K K and J W K, are hereby allowed to adopt the child known as Baby K D, who shall hereafter be known C F K K;
- b. That the said child shall be presumed Kenyan by birth as he was found abandoned in Nairobi within Kenya.
- c. That C W 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 25<sup>th</sup> DAY OF April, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of .....advocate for the applicants.**