



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 146 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY D H L

JUDGEMENT

1. The applicants, S L G and H L T, are nationals of Kenya and Iceland, respectively. They are a married couple who are currently resident in Kenya. They seek to adopt Baby D H L. Their originating summons is dated 7th June 2013.
2. The child in question was found abandoned on 12th July 2008 in the Doonholm area of Nairobi. The matter was reported at the Buru Buru Police Station, who referred the child to the ABC Children's Home, from where the applicants took custody of the child two days after he was admitted to the home. It is estimated that he was born on 11th July 2008
3. The child was freed for adoption by Little Angels Network, an adoption society, by its certificate of 19th December 2012.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, B W O. The three have compiled and filed their reports in court. The report by Little Angels Network is dated 19th December 2012, while that of the Director of Children Services is dated 26th November 2013. That of the guardian *ad litem* is dated 30th January 2014.
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, S L G and H L T, are hereby allowed to adopt the child Baby D H L, who shall hereafter be known D H L;
 - b. That the said child shall be presumed Kenyan by birth as he was found abandoned in Nairobi within Kenya.
 - c. That G S D and S A O are hereby appointed legal guardians of the child in the event something untoward happens to 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.