



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 112 OF 2013 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY K R alias K R K**

**JUDGEMENT**

1. J M is a single applicant, who is Kenyan citizen. She seeks to adopt a Kenyan female child, known for the purposes of these proceedings as Baby K R alias K R K. Her Originating Summons is dated 26<sup>th</sup> April 2013.
2. Baby K R alias K R K was found abandoned in a latrine at Posho Mill trading centre within the Nakuru North District on 30<sup>th</sup> November 2011. A report of the matter was made at the Bahati Police Station the same day. The Children's Court committed her to the New Life Home Trust Children's Home for care and protection. Her parents and relatives have not been traced to date. She was placed with the applicant on 3<sup>rd</sup> September 2012.
3. This adoption is being arranged by the KKPI Adoption Society, who freed the child for adoption vide their certificate dated 29<sup>th</sup> August 2012.
4. To facilitate this adoption, the applicant has been assessed by the KKPI Adoption Society, the Director of Children Services and the guardian *ad litem*, C A N. The three have compiled and filed their reports in court. The report by the KKPI Adoption Society is dated 15<sup>th</sup> April 2013, while that by the Director of Children Services is dated 25<sup>th</sup> November 2013. That by the guardian *ad litem* is dated 10<sup>th</sup> December 2013.
5. All these reports are favourable and recommend the proposed adoption. The applicant has filed documents that demonstrate that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with her and she considers her to be her parent.
6. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicant. The applicant 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 applicant shall assume all parental rights and duties of the biological parents in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has 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 her 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 have been met and therefore I hereby make the following orders:
- a. That the consent of the biological parents of the child is hereby dispensed with;
  - b. That the applicant, J M, is hereby allowed to adopt the child, Baby K R alias K R K, who shall hereafter be known as K R K;
  - c. That the child shall be presumed to have been born in Kenya and she is therefore Kenyan by birth as she was found abandoned within the Kenyan boundaries. She is entitled to all the rights that accrue to citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.
  - d. That M K M is hereby appointed the legal guardian of the child in the event of the untoward happening to the applicant.
  - e. That the Registrar-General is directed to enter this adoption order in the adoption register.
  - f. 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.**