



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 100 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY J K [minor]**

**JUDGEMENT**

1. The applicants, S W N and A W W, are a married couple and citizens of the Republic of Kenya. They have filed the Originating Summons dated 28<sup>th</sup> April 2013 seeking the court's permission to adopt the Kenyan male child known for the purpose of these proceedings as Baby J K [minor].
2. Baby J K [minor], the subject of these adoption proceedings, was born on 24<sup>th</sup> November 2010 at the Thika Level 5 Hospital and was abandoned there the same day by his mother. The matter was reported at the Thika Police Station. He was thereafter referred to the Nest Children's Home. He was later formally committed to the said home by the Children's Court. He was placed with the applicants on 16<sup>th</sup> December 2011.
3. This adoption process is being arranged by the KKPI Adoption Society, which freed the child for adoption purposes on 30<sup>th</sup> August 2011 and issued a certificate of even date to that effect.
4. To facilitate the adoption the applicants have been assessed by the Director of the Children's Services and the guardian *ad litem*, S W N. These two have compiled and filed their reports in court dated 2<sup>nd</sup> December 2013 and 12<sup>th</sup> September 2013, respectively. 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 the applicants and he considers them to be his parents.
5. The opinion of this court is that it would be in the interests of the child that the child the subject of these proceedings 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 become a useful member of the family. Consequently, the applicants will be required to execute an undertaking that they 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 applicants cannot give up the child owing to

any subsequent unforeseen behaviour or other changes in the child.

6. I am satisfied that all the legal requirements for a local adoption have been met, consequently I make the following final orders:-
- a. That the applicants, S W N and A W W, are hereby allowed to adopt the child, Baby J K [*minor*], to be known hereafter as B N [*minor*];
  - b. That as the child was found abandoned at Thika within Kenya he shall be presumed to be Kenyan by birth, and entitled to all the rights that accrue to Kenyan citizens by virtue of the provisions of the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act;
  - c. That B N M and F M are hereby appointed the legal guardians of the child should anything untoward happen 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 11<sup>th</sup> DAY OF April, 2014.**

**W MUSYOKA**

**JUDGE**

**In the presence of Mr. Oronga for Mr. Kinyanjui advocate for the applicants.**