



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 214 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY T alias H [minor]

JUDGEMENT

1. The applicants, G O O and E C A O, are Kenyan citizens. They are a married couple. They seek to adopt Baby T alias H [minor]. Their originating summons is added 18th September 2013.
2. The child in question was found abandoned on 26th April 2012 at the Kawangware Deliverance area in Nairobi. The matter was reported at the Riruta Police Station, the police referred the child to the Abandoned Baby Centre at Dagoretti for care and protection, from where he was placed with the applicants on 22nd May 2013. The police were not able to trace the biological parents of the child, and nobody came forward to claim him. It is estimated that he was born on 24th April 2012
3. The child was freed for adoption by the Little Angels Network adoption society by their certificate of 19th June 2013.
4. To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, Alice Nyabuti. The two have compiled and filed their reports in court. That of the Director of Children Services is dated 18th November 2013, while that of the guardian *ad litem* is dated 9th December 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 he considers them to be his parents. I have taken note of the fact that the applicants have previously adopted a female child who is now about four years old.
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 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, G O O and E C A O, are hereby allowed to adopt the child Baby T alias H [minor], who shall hereafter be known T I M O;
 - b. That the said child shall be presumed Kenyan by birth as he was found abandoned within Kenya.
 - c. That P F A is hereby appointed legal guardian of the child in the event something untoward happens to the applicants;
 - d. That the Registrar-General is hereby 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 11th DAY OF April, 2014.

W MUSYOKA

JUDGE

In the presence of Mr. Mwenda advocate for the applicants.