



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MILIMANI**  
**ADOPTION CAUSE NO. 170 OF 2011 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY E B [minor],**  
**JUDGEMENT**

1. The applicants, J G N and M W G, are Kenyan citizens. They are a married couple. They seek to adopt Baby E B [minor],. Their originating summons is added 19<sup>th</sup> September 2011.
2. The child in question was found abandoned on 16<sup>th</sup> December 2007 in the Section 58 area of Nakuru. The matter was reported at the Nakuru Police Station, who referred the child to the Nakuru Provincial Hospital for medical check-up. She was thereafter admitted at the New Life Home Trust, from where she was placed with the applicants on 20<sup>th</sup> December 2008. It is estimated that she was born on 15<sup>th</sup> December 2007
3. The child was freed for adoption by the Kenya Children's Home Adoption Society by their certificate of 29<sup>th</sup> August 2008.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Home Adoption Society, the Director of Children Services and the guardian *ad litem*, Judy Wambui Bara. The three have compiled and filed their reports in court. That of the Kenya Children's Home Adoption Society dated is 20<sup>th</sup> December 2010, while that of the Director of Children Services is dated 1<sup>st</sup> October 2013. That of the guardian *ad litem* is undated.
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 she considers them to be her parents. I have taken note of the fact that the applicants have two children of their own, of about the same age as the subject child.
6. In the opinion of this court it would be in the best interests of the child that she 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 she 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 G N and M Wanjiru G, are hereby allowed to adopt the child Baby E B [minor],, who shall hereafter be known M M G [minor];;
- b. That the said child shall be presumed Kenyan by birth as she was found abandoned within Kenya.
- c. That M T is hereby appointed legal guardian of the child in the event something 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 9<sup>th</sup> DAY OF April, 2014.**

**W MUSYOKA**

**JUDGE**

In the presence of Miss. Karangi advocate for the applicants.