IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 211 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J.K

JUDGEMENT

1. The applicants, P.K.K and M.M.N, are Kenyan citizens. They are a married couple. They seek to adopt Baby J.K. Their originating summons is added 5th October 2012.

2. The child in question was found abandoned on 12th September 2010 at the Meru District Hospital in Meru County by her mother whose name was recorded as P.M. The matter was reported at the Meru Police Station, the police referred the child to the Love A Child Children's Home at Nyeri for care and protection, from where she was placed with the applicants on 25th February 2012. The police were not able to trace the biological parents of the child, and nobody came forward to claim her. The Meru District Hospital records indicate her date of birth as 20th June 2010.

3. The child was freed for adoption by the Little Angels Network adoption society by their certificate of 14th December 2011.

4. To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, E.W.G. The two have compiled and filed their reports in court. That of the Director of Children Services is dated 27th August 2013, while 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.

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, P.K.K and M.M.N, are hereby allowed to adopt the child Baby J.K, who shall hereafter be known H.N.K;

b. That the said child is Kenyan by birth as she was born of known Kenyan mother who abandoned her in hospital;

c. That A.K.K and W.K are hereby appointed legal guardians 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 20th DAY OF June 2014.

W MUSYOKA

JUDGE

In the presence of Mr. Mwangi for Mrs. Mbanya advocate for the applicants.