



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 188 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY Z

JUDGEMENT

1. The applicants, T.M.A and R.W.M, are Kenyan citizens. They are a married couple. They seek to adopt Baby Z. Their originating summons is dated 23rd August 2013.
2. The child in question was found abandoned on 27th May 2012 near a primary school in Eldoret, Uasin Gishu County. The matter was reported at the Central Police Station, Eldoret. The child was referred to the Moi Teaching and Referral Hospital and thereafter to the Thomas Barnados House for care and protection. No one came forward to claim the child, neither were her parents nor relatives found. She was placed with the applicants on 1st April 2012. It is estimated that she was born on 1st April 2012.
3. The child was freed for adoption by the Kenya Children's Homes adoption society by their certificate of 12th February 2013.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes adoption society, the Director of Children Services and the guardian *ad litem*, A.W.K. The three have compiled and filed their reports in court. That of the Kenya Children's Homes adoption society is dated 25th September 2013, while that of the Director of Children Services is dated 4th February 2014. That of the guardian *ad litem* is dated 24th February 2014.
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.
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 applicants 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, T.M.A and R.W.M, are hereby allowed to adopt the child Baby Z, who shall hereafter be known Z.M.A;
 - b. That the said child shall be presumed Kenyan by birth as she was found abandoned within Kenya.
 - c. That A.W.M is hereby appointed legal guardian of the child in the event something untoward 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 20th DAY OF June 2014.

W MUSYOKA

JUDGE

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