

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 193 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY K ALIAS E N M

JUDGMENT

1. The applicants, C M K and M M N, are Kenyan citizens. They are a married couple. By their Originating Summons dated 28th August 2013 they seek to adopt a male child called Baby Kind alias E N M.
2. The subject child, Baby K alias E N M, was born on 12th November 2011 at the Thika Level 5 District Hospital, to a mother, who abandoned him at the hospital on 14th November 2011. A report of the abandonment was made at the Thika Police Station, efforts to trace the birth mother of the child have not been successful. The child was handed over to the Happy Life Children's Home, where he was committed later by the Thika Children's Court. He was placed with the applicants on 4th March 2013 for the bonding period.
3. This adoption is being arranged by the Child Welfare Society of Kenya adoption agency. The said adoption agency declared the child free for adoption through their certificate dated 8th November 2013.
4. To facilitate this adoption, the applicants have been assessed by the Child Welfare Society of Kenya, the guardian *ad litem*, A N and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services dated 2nd May 2014, while that by the Child Welfare Society of Kenya is dated 8th November 2013. The report 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 appears to have bonded well with them and he considers them to be his parents. I note that the applicants have three biological children of their own.
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 applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. I find that the application before me has merit and I hereby permit the applicants, C M K and M M N, to adopt Baby K alias E N M to be known hereafter as J K M N. I hereby appoint J K K and M N M the child's legal guardians should misfortune befall the applicants during the child's minority. The child is Kenyan by birth as he was born to a known Kenyan mother. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF August, 2014.

W. MUSYOKA

JUDGE

In the presence of Ms. Odiya advocate for the applicants.