

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 289 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY T

JUDGEMENT

1. The applicants, S N K and J W N, are Kenyan citizens. They are a married couple. By their Originating Summons dated 20th November 2013 they seek to adopt a female child called Baby T.
2. The subject child, Baby T, was born on 13th July 2012 to a mother who gave her up for adoption on the grounds that she was single, unemployed and had another child to take care of. She has signed the relevant documents formally giving up the child consenting to her adoption. The child was admitted at the Thomas Barnados House children's home 24th September 2012, and she was later to be formally committed there by the Children's Court. She was placed with the applicants on 18th September 2012 for the bonding period.
3. This adoption is being arranged by the Kenya Children's Homes adoption agency. The said adoption agency declared the child free for adoption through their certificate of 20th September 2012.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes adoption agency, the guardian *ad litem*, S O O 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 7th April 2014, while that by the Kenya Children's Homes is dated 1st March 2013. The report of the guardian *ad litem* is dated 5th April 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 appears to have bonded well with them and she considers them to be his parents.
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 find that the application before me has merit and I hereby permit the applicants, S N K and J W N, to adopt Baby T to be known hereafter as S H W N. I hereby appoint V W the child's legal

guardian should misfortune befall the applicants during the child's minority. The child is Kenyan by birth as she 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 advocate for the applicants.