

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 283 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)

AND

IN THE MATTER OF BABY F K alias F K

JUDGEMENT

1. The applicant, M-L A M, is Dutch, currently resident in Kenya. This is therefore a foreign resident application. Her Originating Summons is dated 14th October 2013 seeking the court's permission to adopt the Kenyan female child known for the purpose of these proceedings as Baby F K alias F K.
2. Baby F K alias F K, the subject of these adoption proceedings, was found by a police woman abandoned by unknown persons at the gate to the Nyambene District Hospital on 3rd June 2010. The matter was reported at the Maua Police Station on 10th June 2010. The child was thereafter released to the New Life Home Trust Children's Home, Nyeri, for care and protection. She was placed with the applicant on 25th January 2011. The birth mother of the child was never traced.
3. This adoption is being arranged by the Little Angels Network adoption agency, which filed in court a report on the background given above. The report is dated 19th January 2011. The child was declared free for adoption by the Little Angels Network by their certificate dated 19th January.
4. To facilitate the adoption the applicant has been assessed by the Little Angels Network, the Director of the Children's Services and the guardian *ad litem*, B G M, who have reports dated 13th October 2010, 17th February 2014 and 8th April 2014, respectively. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capacity to take care of the child. The child appears to have bonded well with the applicant and she considers her to be her parent. I have taken note of the fact that the applicant has previously adopted another Kenyan child.
5. In the opinion of this court it would be in the interests of the child that the child is adopted by the applicant. The applicant 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 applicant will be required to assume all parental rights and duties of the biological parents in respect of the adopted child; she shall treat the adopted child as if she was born to her. The applicant has 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 her property. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
6. I am satisfied that all the legal requirements for residency adoption have been met. The applicant, M-L A M, is hereby allowed to adopt the child, Baby F K alias F K. Her name shall hereafter be N M. I hereby appoint B W M legal guardian of the child should anything untoward happen to the applicant during the child's minority. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged. As the child was found abandoned within Meru County in Kenya, she shall be presumed to be Kenyan by birth.

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

W. MUSYOKA

JUDGE

In the presence ofadvocate for the applicants.