

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 152 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY C M K

JUDGEMENT

1. The applicants, J K M and L N K, are Kenyan citizens. They are a married couple. By their Originating Summons dated 23rd July 2012 they seek to adopt a male child called Baby C M K.
2. The subject child, C M K, was found abandoned near a market in Nanyuki town on 4th March 2010. He was admitted at the Nanyuki District Hospital for medical check-up. The child was later admitted at the New Life Home Trust, Nairobi, on 23rd March 2010, and was later to be formally committed there by the Children's Court. He was placed with the applicants on 5th June 2010 for the bonding period. The matter was reported at the Nanyuki Police Station on 10th March 2010; efforts to trace the child's parents were not successful.
3. This adoption is being arranged by the Little Angels Network adoption agency. The said adoption agency declared the child free for adoption through their certificate of 16th March 2011.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network adoption agency, the guardian *ad litem*, P M G 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 21st January 2014, while that by the Little Angels Network is dated 21st April 2010. The report of the guardian *ad litem* is dated 23rd May 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 J K M and L N K, to adopt Baby C M K to be known hereafter as C M K. I appoint D N M and S N N the child's legal guardians should misfortune befall the applicants during the child's minority. The child is

hereby declared Kenyan by birth as she was found abandoned within Kenya. 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.