



**REPUBLIC OF KENYA**

**HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 253 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY E F**

**JUDGEMENT**

1. The applicants, F S O and A M N, are Kenyan citizens. They are a married couple. By their Originating Summons dated 28<sup>th</sup> October 2013 they seek to adopt a female child called Baby E F.
2. The subject child, Baby E F, is estimated to have been born on 11<sup>th</sup> July 2012, to a mother, who abandoned the child at the Gatundu District Hospital. The matter of the abandonment was reported at the Gatundu Police Station on 17<sup>th</sup> July 2012. The child who was handed over to the New Life Home Trust. She was later committed to the said institution by the Gatundu Children's Court. She was placed with the applicants on 28<sup>th</sup> August 2012 for the bonding period.
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 20<sup>th</sup> February 2013.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network adoption agency, the guardian *ad litem*, W 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 is dated 22<sup>nd</sup> January 2014, while that by the Little Angels Network is 1<sup>st</sup> August 2012. The report of the guardian *ad litem* is dated 20<sup>th</sup> 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 her 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 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 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, F S O and A M N, to adopt Baby E F to be known hereafter as E B. I hereby appoint C N N the child's legal guardian should misfortune befall the applicants during the child's minority. The child is hereby declared to be Kenyan by birth as she was found abandoned at Gatundu within the Republic of

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 14<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of ..... advocate for the applicants.**