

REPUBLIC OF KENYA
HIGH COURT OF KENYA
AT MILIMANI
ADOPTION CAUSE NO. 118 OF 2011 (OS)

AND

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

AND

IN THE MATTER OF BABY M B

JUDGMENT

1. The applicants, V M and N J, are Kenyan citizens. They are a married couple. By their Originating Summons dated 18th May 2011 they seek to adopt a male child called Baby M B.
2. The subject child, Baby M B, is estimated to have been born on 18th September 2007, to a mother, called L M, who abandoned the child along Ndwaru Road, Dagoretti, Nairobi. The mother was traced and arrested by the police, but was released under unclear circumstances. The said mother did not return to the child, who was handed over to the Dagoretti Children's Centre. He was committed later to the Abandoned Baby Centre by the Nairobi Children's Court. He was placed with the applicants on 12th February 2010 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 3rd February 2010.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network adoption agency, the guardian *ad litem*, G K 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 7th April 2014, while that by the Little Angels Network is dated 8th October 2009. The report of the guardian *ad litem* is dated 12th 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 he 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, V M and N J, to adopt Baby M B to be known hereafter as M M L. I hereby appoint G K the child's legal guardian 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 advocate for the applicants.