

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 145 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY T M M

JUDGEMENT

1. The applicants, J M N and M W G, are Kenyan citizens. They are a married couple. By their Originating Summons dated 19th June 2013 they seek to adopt a female child called Baby T M M.
2. The subject child, Baby T M M, was born on 6th June 2011 to a known mother, who gave him up for adoption on the grounds that the child was the product of an incestuous relationship. Consents to give up the child for adoption were given by the mother, grandmother and aunt of the child. The child was admitted at the Thomas Barnados House children's home, where he was later to be formally committed by the Children's Court. He was placed with the applicants on 2nd April 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 by their certificate of 13th March 2012.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes adoption agency, the guardian *ad litem*, K N 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 dated 4th April 2014, while that by Kenya Children's Homes is dated 4th September 2012. The report of the guardian *ad litem* is dated 6th December 2013.
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, J M N and M W G, to adopt T M M to be known hereafter as T M M. I hereby appoint I M N and F M M, the child's legal guardian should misfortune befall the applicants during the child's minority. The child is Kenyan by birth as he was to known Kenyan parents. 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 26th DAY OF September 2014.

W MUSYOKA

JUDGE