



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 167 OF 2013 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY P**

**JUDGEMENT**

1. The applicants, P N N and E W, are Kenyan citizens. They are a married couple. By their Originating Summons dated 24<sup>th</sup> July 2013 they seek to adopt a female child called Baby P.
2. The subject child, Baby P, was found abandoned on 16<sup>th</sup> September 2005 within the Parklands area of Nairobi. The matter of the abandonment was reported at the Parklands Police Station. The child was thereafter admitted at the Happy Life Children's Home, where she was later to be formally committed by the Children's Court. She was placed with the applicants on 22<sup>nd</sup> May 2006 for the bonding period. The biological parents of the child have never traced. It is estimated that she was born on 16<sup>th</sup> September 2005.
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 17<sup>th</sup> January 2007.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes adoption agency, the guardian *ad litem*, R K I 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 15<sup>th</sup> May 2014, while that by Kenya Children's Homes is dated 6<sup>th</sup> November 2013. The report of the guardian *ad litem* is dated 27<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 she 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, P N N and E W, to adopt Pauline to be known hereafter as P F W. I hereby appoint R K I the child's legal guardian should misfortune befall the applicants during the child's minority. The child is hereby presumed

to be Kenyan by birth as she was found abandoned in Nairobi, 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 26th DAY OF September 2014.**

**W. MUSYOKA**

**JUDGE**