

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 153 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY D L

JUDGEMENT

1. The applicants, A A C and K A A, are Kenyan citizens. They are a married couple. By their Originating Summons dated 30th January 2013 they seek to adopt a female child called Baby D L.
2. The subject child, Baby D L, was found abandoned on 24th March 2011 within the Manyatta Estate in Kisumu. The matter of the abandonment was reported at the Central Police Station. The child was thereafter admitted at the New Life Home Trust, Kisumu, and she was later to be formally committed there by the Children's Court. She was placed with the applicants on 4th November 2011 for the bonding period. The biological parents of the child were never traced. It is estimated that she was born on 13th October 2010.
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 11th October 2011.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes adoption agency, the guardian *ad litem*, B A O 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 16 May 2014, while that by Kenya Children's Homes is dated 19th November 2012. The report of the guardian *ad litem* is dated 9th 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, A A C and K A A, to adopt D L to be known hereafter as B M A. I hereby appoint A A A and F A the child's legal guardians should misfortune befall the applicants during the child's minority. The child is Kenyan by birth as she

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 26th DAY OF September 2014.

W MUSYOKA

JUDGE

In the presence of Miss. Musyoka for Miss. Onyinkwa advocate for the applicant.