



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI
ADOPTION CAUSE NO. 46 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)
AND
IN THE MATTER OF BABY D A K
JUDGEMENT

1. The applicants, P O and J A O, are Kenyan citizens. They are a married couple. They seek to adopt Baby D A K. Their originating summons is dated 28th February 2013.
2. . The child in question was found abandoned in Marsabit. A report of the abandonment was made at the Marsabit Police Station. The child was taken to the Missionaries of Charity, Marsabit, for care and protection, before being transferred to the Missionaries of Charity, Nairobi, where he was to be formally committed by the Nairobi Children's court. The child was placed with the applicants on 4th September 2011 for the mandatory bonding period. The biological parents of the child were not traced. It is estimated that he was born on 6th May 2005.
3. The child was freed for adoption by the KKPI adoption society by their certificate of 28th September 2011.
4. To facilitate this adoption, the applicants have been assessed by the KKPI adoption society, the Director of Children Services and the guardian *ad litem*, P L. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 26th November 2013, while that of the guardian *ad litem* is dated 14th February 2014. The report by the KKPI adoption society is dated 16th January 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 himself appears to have bonded well with them and he considers them to be his parents. I have taken note of the fact that the applicants have another child of their own, who is now an adult.
6. In the opinion of this court that 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 am satisfied that all the legal requirements for a local adoption have been met, and I therefore make the following orders:-

- a. That the applicants, P O and J A O, are hereby allowed to adopt the child Baby D A K, who shall hereafter be known D L O;
- b. That the said child shall be presumed to be Kenyan by birth as he was found abandoned within Kenya.
- c. That E N O is hereby appointed legal guardian of the child in the event something untoward happens to the applicants;
- d. That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and
- e. That the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 24th DAY OF October 2014.

W. MUSYOKA

JUDGE