

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 231 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY W K ALIAS LUC

JUDGEMENT

1. The applicants, G K H and V W M, are Kenyan citizens. They are a married couple. By their Originating Summons dated 28th August 2013 they seek to adopt a male child called Baby W K alias Luc.
2. The subject child, Baby W K alias Luc, was born on 25th August 2010 at the Kenyatta National Hospital, and was abandoned there on 27th August 2010 by his birth mother. A report of the abandonment was made at the Kenyatta National Hospital Police Station. Efforts to trace the mother of the child have not been successful. The child was handed over to the Happy Life Children's Home, where he was committed later by the Nairobi Children's Court. He was placed with the applicants on 21st June 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 through their certificate dated 18th August 2011.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes, the guardian *ad litem*, E M 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 14th April 2014, while that by the Kenya Children's Homes is dated 17th June 2013. The report of the guardian *ad litem* is dated 11th January 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. I have noted that the applicants have another child, a girl aged nine or thereabout.
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 applicants 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, G K H and V W M, to adopt Baby W K alias Luc, to be known hereafter as L H. I hereby appoint S 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 24th DAY OF October 2014.

W. MUSYOKA

JUDGE