



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 279 OF 2014 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY A W
JUDGEMENT

1. The applicants, J M M and J K M, are Kenyan nationals. They are a married couple. They seek to adopt Baby A W. Their originating summons is added 18th November 2013.
2. The child in question was found abandoned in the Naivasha area of the Nakuru County. The matter of the abandonment was reported at the Naivasha Police station. The child was taken to the Naivasha District Hospital and from thence to the African Gospel Baby Centre, Nakuru, where he was to be formally committed by the Nakuru Children's Court. The child was placed with the applicants on 28th July 2007 for the mandatory bonding period. Nobody came forth to claim him. He is estimated to have been born on 16th June 2006.
3. The child was freed for adoption by the Kenya Children's Homes adoption society by their certificate of 18th July 2007.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, E K Z. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 29th May 2014, while that of the guardian *ad litem* is dated 11th July 2014. The report by the Kenya Children's Homes is dated 6th 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 himself appears to have bonded well with them and he considers them to be his parents. I note that the applicants have their own biological child, who is now an adult.
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 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, J M M and J K M, are hereby allowed to adopt the child Baby A W, who shall hereafter be known A M M;
 - b. That the said child shall be presumed Kenyan by birth as he was found abandoned within Kenya.
 - c. That P M are 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

In the presence of Ms. Kibara for Ms. Ndegwa advocate for the applicant.