



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 141 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J

JUDGEMENT

1. The applicants, J M K and S R S K, are Kenyan and Australian nationals, respectively. They are a married couple. They seek to adopt Baby J. Their originating summons is dated 16th May 2014.
2. The child in question was born on 4th October 2013 at the Tigoni Hospital, Limuru, to a known mother. The birth mother offered the child for adoption and signed the relevant consents. The child was taken to the Nest Children's Home, for care and protection, where he was to be formally committed by the Nairobi Children's court. The child was placed with the applicants on 31st January 2014 for the mandatory bonding period.
3. The child was freed for adoption by the KKPI adoption society by their certificate of 27th November 2013.
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*, J M. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 14th July 2014, while that of the guardian *ad litem* is dated 20th July 2014. The report by the KKPI adoption society is dated 16th June 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.
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, J M K and S R S K, are hereby allowed to adopt the child Baby J, who shall hereafter be known S K M;
 - b. That the said child is hereby declared Kenyan by birth as he was born to a known Kenyan mother.
 - c. That L S-L and H L 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 17th DAY OF October 2014.

W. MUSYOKA

JUDGE

In the presence of Ms. Ooga advocate for the applicant.