



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 192 OF 2013

IN THE MATTER OF THE CHILDREN ACT (CAP 141)

AND

IN THE MATTER OF CHILD A.K.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

N S AND F S

JUDGMENT

1. The applicants are Kenyan citizens who got married on 16<sup>th</sup> February 2007. The 1<sup>st</sup> applicant is a systems engineer working at *[particulars withheld]* while the 2<sup>nd</sup> applicant is a banker employed by the *[particulars withheld]*. They do not have any biological child and have applied to adopt child A.K.
2. Child A.K. was on 12<sup>th</sup> May 2012 abandoned at St Patricks Primary School at Thika and was rescued by a good samaritan who took her to Thika Level 5 Hospital. The incident was reported at Thika Police Station. On 30<sup>th</sup> May 2012 the child was placed under the care and custody of the Nest Children's Home vide Care and Protection Case No. 81 of 2012 by the Children's Court at Thika. On 5<sup>th</sup> December 2012 the child was declared free for adoption under **section 156** of the **Children Act (Cap 141)**. Certificate No. 001191 was issued. On 6<sup>th</sup> December 2012 she was placed with the applicants for mandatory bonding, prior to adoption. This followed a duly signed foster care agreement. She has been in the continuous care and custody of the applicants since. Attempts to trace the child's parents and relatives have been futile.
3. The applicants were assessed by the Director of Children's Services, the Little Angels Network Adoption Society and the guardians *ad litem* O M and M M M who found them socially and financially suitable and capable to take care of the child. The child has bonded well with the applicants.
4. It is considered that the best interests of the child will be served by the proposed adoption. This will enable her to grow and develop in a family environment. The applicants have been aware, and they agree that, by this adoption they will assume all parental responsibilities over the child. They will treat the child as their own. Once the adoption has been made, they have been informed, the order 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 their responsibility owing to any subsequent unforeseen behaviour and challenges in the child.
5. I allow the applicants originating summons dated 27<sup>th</sup> August 2013 and direct as follows:
  - a. that N S and F S shall adopt child A.K., who shall from today be known as T M N S;
  - b. that the child's date of birth shall be 12<sup>th</sup> May 2012, and shall be considered to be Kenyan citizen having been found abandoned at St Patrick's Primary School at Thika in Kenya;
  - c. that the child's legal guardians shall be O M K and M M M in the event of the death or incapacity

- of the applicants before she is of age and fully reliant;
- d. that the Registrar General shall make entry of this adoption in the Adopted Children Register under **section 169(1)** of the **Act**; and
  - e. that the guardians *ad litem* are otherwise hereby discharged.

**DATED and DELIVERED at NAIROBI this 28<sup>th</sup> November, 2014**

**A.O. MUCHELULE**

**JUDGE**