



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO. 11 OF 2014
IN THE MATTER OF THE CHILDREN ACT (CAP 141)
AND
IN THE MATTER OF CHILD J.
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
T M O AND A N MAINA
JUDGMENT

1. The applicants are Kenyans. They formally got married on 9th October 2012. The 1st applicant works at the *[particulars withheld]* and the 2nd applicant is a dressmaker/designer. They do not have any biological child, and have applied to adopt child J.
2. The child was born on 19th May 2012 at Thika Level 5 Hospital and abandoned on the same day by the mother who could not be traced thereafter. A report to that effect was made to Thika Police Station on 24th May 2012. The baby remained at the hospital for 11 days before it was referred to Mama Ngina Kenyatta Children's Home, and later formally committed to the Home for care and protection on 30th May 2012 by order of the Children's Court at Thika. On 14th December 2012 the child was placed with the applicants for foster care through duly signed foster-care agreement. He has been in the continuous care and protection of the applicants since then.
3. Child J. was freed for adoption by the Child Welfare Society of Kenya on 5th September 2014 as per **section 156** of the **Children Act (Cap. 141)** and a certificate No. *[Particulars withheld]* issued to that effect.
4. The Child Welfare Society of Kenya, the Director of Children Society and the guardian *ad litem* D A O have each assessed the applicants and filed a report that recommends the adoption. The applicants have no criminal records and have the financial ability that would be required for the upkeep and education of the child. The child is healthy and happy and has bonded well with the couple.
5. The Court is of the opinion that it is in the best interests of the child to be adopted by the applicants. This would enable it to grow and develop in a family environment. The applicants shall assume all parental obligations by the biological parent of the child, and treat it as if it was born to them. They 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 shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

6. I am satisfied that all the legal requirements for local adoption have been met, and therefore make the following orders:-

- a. that T M O and A N M are hereby allowed to adopt child J. who shall henceforth be known as J O M;
- b. the child's date of birth shall be 19th May 2012, and shall be presumed Kenyan by birth as it was found abandoned in Thika Level 5 Hospital in Kenya;
- c. that C O is appointed the legal guardian to the child in the event of the death or incapacity of the applicants before it is of age and fully self-reliant;
- d. that the Registrar General shall enter this adoption into the Adoptions Register; and
- e. that the guardian *ad litem* is hereby discharged.

DATED and DELIVERED at NAIROBI this 27th November, 2014.

A.O. MUCHELULE

JUDGE