



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 122 OF 2014 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY N S
JUDGEMENT

1. The applicants, B S M and F M M, are Kenyan citizens. They are a married couple. They seek to adopt the male child known as N S. Their originating summons is dated 30th April 2014.
2. The child in question was abandoned by his birth mother with a stranger at a Machakos bus park. A report of the abandonment was made at the Machakos Police Station on 14th November 2012. The child was referred to the Springs of Hope Children's Home for care and protection. She was later committed to the institution by the Machakos Children's Court, and it is from there that he was placed with the applicants on 27th June 2013. The parents of the child have never been traced. It is estimated that he was born on 4th August 2012.
3. The child was freed for adoption by the Little Angels Network adoption society by their declaration of 17th June 2013.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, B W O. The three have compiled and filed their reports in court. Those by the Director of Children Services and guardian *ad litem* are dated 15th August 2014. The report by the Little Angels Network is dated 10th April 2013.
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 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 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, B S M and F M M, are hereby allowed to adopt the child Baby N S, who shall hereafter be known E M M;
 - b. That the said child is hereby presumed Kenyan by birth as he was found abandoned within Kenya;
 - c. That W K M is 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 19th DAY OF December 2014.

W MUSYOKA

JUDGE

In the presence of Miss. Ingonga advocate for the applicants.