



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI
ADOPTION CAUSE NO. 298 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF F L, A CHILD
JUDGEMENT

1. The applicants, E N M and R N K, are Kenyan citizens. They are a married couple. They seek to adopt the female child F L. Their originating summons is dated 15th November 2013.
2. The child in question was born at the Vihiga District Hospital on 29th August 2012. She was born out of incestuous relationship. The teenage mother gave her up for adoption. The relevant consents were obtained before the child was referred to the New Life Home Trust for care and protection. She was later committed to the institution by the Vihiga Children's Court, and it is from there that he was placed with the applicants on 20th June 2013.
3. The child was freed for adoption by the Little Angels Network adoption society by their declaration of 19th 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*, J K K. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 13th August 2014, while that by the guardian *ad litem* is dated 23rd March 2014. The report by the Little Angels Network is dated 8th May 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 herself appears to have bonded well with them and she considers them to be her parents.
6. In the opinion of this court it would be in the best interests of the child that she 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, E N M and R N K, are hereby allowed to adopt the child F L, who shall hereafter be known P Z M;
- b. That the said child is hereby declared Kenyan by birth as she was born within Kenya to known Kenyan parents;
- c. That R W K 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.