

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 128 OF 2014 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY A CHILD

JUDGEMENT

1. The applicant, T E H and E G H, are citizens of the United States of America, who are currently resident in Kenya. This is therefore a foreign resident application. The applicant's Originating Summons is dated 12th May 2014 seeking the court's permission to adopt a female child known for the purpose of these proceedings as Baby A Child.
2. Baby A Child, the subject of these adoption proceedings, was found abandoned within the Narok Township on 6th May 2012. The matter was reported at the Narok Police Station on 7th May 2012. The child was committed to the applicants by the Children's Court at Narok on 11th October 2012 for care and protection. She had been placed with the applicants earlier. The birth mother of the child was never traced. No one has to date come forward to claim the child. It is presumed that she was born on 15th April 2012.
3. This adoption is being arranged by the KKPI Adoption Society, which filed in court a report on the background given above. The child was declared free for adoption by the KKPI Adoption Society by their certificate dated 26th February 2014.
4. To facilitate the adoption the applicant has been assessed by KKPI Adoption Society, the Director of the Children's Services and the guardian *ad litem*, L K, who have filed reports in court. That by the Director of the Children's Services is dated 3rd September 2014. The reports by the guardian *ad litem* and the KKPI Adoption Society are undated.
5. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capacity to take care of the child. The child appears to have bonded well with the applicants and she considers them to be her parents.
6. In the opinion of this court it would be in the interests of the child that the child 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 will be required to 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 applicants 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 residency adoption have been met. The applicants, T E H and E G H, are hereby allowed to adopt the child, Baby. Her name shall

hereafter be F E H. I hereby appoint A R and M E H legal guardians of the child should anything untoward happen to the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged. As the child was found abandoned within Kenya, she shall be presumed to be Kenyan by birth and entitled to all rights and privileges available to Kenyan citizens under the Constitution and the National Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 19th DAY OF December 2014.

W. MUSYOKA

JUDGE

In the presence of Mr. Mwenda advocate for the applicants.