

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 58 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY J I (MINOR)

JUDGEMENT

The applicants, K M K and S K K, are Kenyan citizens. They are a married couple. Their Originating Summons is dated 15th March 2013, in which they seek, among other orders, to adopt a female child, Baby J I (Minor).

Baby J I (minor), the subject of these adoption proceedings is an abandoned child. He is estimated to have been born on 1st June 2011. He was abandoned in the (withheld) area, (withheld) County by the roadside, on 27th August 2011, and a report was made at the Kikuyu Police Station by good Samaritans who had found him. He was admitted to an institution, the Dagoretti Children's Home, to which he was later to be committed by the Children's Court. He was placed with the applicants on 11th December 2011 and has been with them to date. The parents of the child have never been traced. Consequently, he was freed for adoption by the Little Angels Network adoption agency by their certificate of 21st November 2012.

To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the guardian *ad litem*, J M, and the Director of Children Services. They have compiled and filed their reports in court. The reports by the Little Angels Network and the Director of Children Services are dated 5th December 2012 and 2nd May 2013. The guardian *ad litem*'s report is undated. 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 appears to have bonded well with them and he considers them to be his parents.

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 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.

I am satisfied that all the legal requirements for a local adoption have been met. I will allow the applicants' application to adopt the child. The applicants, K M K and S K K, are hereby allowed to adopt the child, Baby J I (minor). He shall hereafter be known as G K K (minor). B M K and P M M are hereby appointed legal guardians of the child in the event something happens to the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 28th DAY OF June, 2013.

W.M. MUSYOKA

JUDGE