

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 66 OF 2011 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY B (MINOR)

JUDGEMENT

The applicants, G.A.L and R.W.L, are Kenyan citizens. They are a married couple. Their Originating Summons is dated 13th April 2012, in which they seek, among other orders, to adopt a female child, Baby B (minor).

Baby B (minor), the subject of these adoption proceedings is an abandoned child. She was abandoned in (*particulars withheld*) Nairobi, at the house of H.M, on 1st December 2010, and a report was made at the Kinyago Police Station. She is estimated to have been born on 27th July 2010. She was taken for medical care at the (*particulars withheld*) as she was very ill at the time, from where she was referred to the (*particulars withheld*). She was released to an institution, the New Life Home Trust, to which she was later to be committed by the Children's Court. She was placed with the applicants on 27th October 2011 and has been with them to date. The mother of the child was subsequently traced, and she did not which to take care of her child, and she consented to the child being put up for adoption. Consequently, she was freed for adoption by the Little Angels Network adoption agency by their certificate of 26th October 2011.

To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian ad litem M.K.M. Three have compiled and filed their reports in court, dated 2nd March 2011, 13th November 2012 and 21st November 2012. 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 she considers them to be her 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 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.

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, G.A.L and R.W.L, are hereby allowed to adopt the child, Baby B (minor). She shall hereafter be known as T.M.L(minor). G.M.M is hereby appointed legal guardian 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