

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 242 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY M T (minor)

JUDGEMENT

The applicants, J M M and P W K, are Kenyan citizens. They are a married couple. They have sought leave of court vide an Originating Summons dated 23rd October 2012 to adopt the child known for the purpose of these proceedings as Baby M T(minor).

Baby M T (minor), the subject of these adoption proceedings is an abandoned child. He is estimated to have been born on 27th September 2010. He was found abandoned and the matter was reported at the Marsabit Police Station on 30th September 2010. The police found a place for him at the Missionaries of Charity Children Home, where he was later eventually committed by the children's court. He remained there until he was placed with the applicants on 12th August 2011 and has been with them to date. Police records indicate that he has not so far been claimed by anyone. Consequently, he was freed for adoption by the Little Angels Network adoption agency by their certificate of 10th August 2011.

To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, S O O. The two have compiled and filed their reports in court. That of the Director of Children Services is dated 8th March 2013. That of the guardian *ad litem* is dated 31st January 2013. 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 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. The court allows the applicant's application to adopt the child. The consent of the biological parents of the child is hereby dispensed with. The applicants, J M M and P W K, are hereby allowed to adopt the child, Baby M T (minor). He shall hereafter be known as I B M (minor). A N is hereby appointed the legal guardian of the child in the event of the untoward happening 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 25TH DAY OF JULY, 2013.

W. M.MUSYOKA

JUDGE