



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 56 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY R W (MINOR)**

**JUDGEMENT**

The applicants, K G H-R and A K N H-R, are a married couple from the United States of America. They are currently resident in Kenya, and therefore this is a foreign resident application. They have filed the Originating Motion dated 25<sup>th</sup> February 2013 seeking the court's permission to adopt the Kenyan female child known for the purpose of these proceedings as Baby R W (minor).

Baby R W (minor), the subject of these adoption proceedings was found abandoned in the (particulars withheld) area in Naivasha aged about a week. She is presumed to have been born on 20<sup>th</sup> January 2012. The matter was reported at the Naivasha Police Post, and she was taken to the (particulars withheld) Hospital for medical check-up before she was released to the African Gospel Home Trust Church Baby Centre at Nakuru. She was subsequently committed to the institution by the children's court where she remained until she was placed with the applicants on 19<sup>th</sup> October 2012. There is report on this by the Kenya Children's Homes adoption society dated 20<sup>th</sup> January 2012. The child was declared free for adoption by the Kenya Children's Homes by their certificate dated 16<sup>th</sup> October 2012.

To facilitate the adoption the applicants have been assessed by the Kenya Children's Homes adoption society and by the Director of the Children's Services. These two have compiled and filed their reports in court dated 8<sup>th</sup> May 2013 and 25<sup>th</sup> June 2013, respectively. The guardian *ad litem*, S K (particulars withheld), has also filed her report dated 27<sup>th</sup> June 2013. There is also a home study report on the applicants by the Kenya Children's Homes, which is undated, but relates to a home visit conducted on 24<sup>th</sup> August 2012. All these reports are favourable and recommend the proposed adoption. The applicant has demonstrated that she has the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the applicant and she considers them to be his parents. I note that the applicants have another adopted child who is thriving under their care.

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 execute an undertaking that she 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 applicants 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 resident adoption have been met. The applicants, K G H-R and A K N H-R, are hereby allowed to adopt the child, Baby R W (minor). His name shall hereafter

be S R H-R. I also hereby appoint J D K and A I Rt-K 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.

**SIGNED DATED and DELIVERED** in open court this **15th** day of **August, 2013**.

**W.M. MUSYOKA**

**JUDGE**