

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 99 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY L(minor)

JUDGEMENT

The applicants, S A M M and J G K, are Kenyan citizens. They are a married couple. Their Originating Summons is dated 7th May 2013, in which they seek, among other orders, to adopt a male child, Baby L(minor).

Baby L(minor), the subject of these adoption proceedings, was born on 27th October 2012. He was given up for adoption by his biological mother, A N G, as she was unable to take care of him. She has signed the necessary consent papers. There is no mention of the biological father of the child. It would appear however that the mother is unwed and is the one who had control and care of the child. Upon being given up to the KKPI Adoption Society for adoption, he was admitted to an institution, the Nest Children's Home, to which he was later to be committed by the Children's Court. He was placed with the applicants on 13th December 2012 and has been with them to date. He was freed for adoption by the KKPI Adoption Society by their certificate of 20th July 2013.

To facilitate this adoption, the applicants have been assessed by the KKPI Adoption Society, the guardian *ad litem*, J W M, and the Director of Children Services. They have compiled and filed their reports in court. The reports by the KKPI Adoption Society and the Director of Children Services are dated 22nd July 2013 and 12th July 2013. The guardian *ad litem*'s report is dated 23rd June 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 he considers them to be his parents.

In the opinion of this court it would be in the best interests of the child that he 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, S A M M and J G K, are hereby allowed to adopt the child, Baby L (minor). He shall hereafter be known as S P M M (minor). L W K 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.

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

W.M. MUSYOKA

JUDGE