



**REPUBLIC OF KENYA**

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

**Adoption Cause No. 143 Of 2012 (Os)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY L Also known as A G[minor]**

**JUDGEMENT**

The applicants, D M O and M A N, are Kenyan citizens. They are a married couple. They have sought leave of court vide an Originating Summons dated 30<sup>th</sup> May 2012 to adopt the child known for the purpose of these proceedings as Baby L also known as A G [minor].

Baby L also known as A G [minor], the subject of these adoption proceedings was found abandoned at [particulars withheld] on 25<sup>th</sup> May 2011. The matter was reported at the Langata Police Station the same day. The police found a place for her at the New Life Home Trust, where she was later eventually committed by the children's court. She remained there until she was placed with the applicants on 22<sup>nd</sup> December 2011 and has been with them to date. Police records indicate that she has not so far been claimed by anyone. Consequently, she was freed for adoption by the Kenya Children's Home Adoption Agency by their certificate of 7<sup>th</sup> December 2011. Her parents are unknown and her date of birth is taken to be 25<sup>th</sup> May 2011.

To facilitate this adoption, the applicants have been assessed by the Kenya Children's Home Adoption Agency, the Director of Children Services and the guardian *ad litem*, Evelyne Kemuma Sanganyi. The three have compiled and filed their reports in court. That of the Kenya Children's Home Adoption Agency dated is 17<sup>th</sup> July 2012, while that of the Director of Children Services is dated 24<sup>th</sup> April 2013. That of the guardian *ad litem* is dated 7<sup>th</sup> December 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 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 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 applicant, D M O and M A N, are hereby allowed to adopt the child, Baby L also known as A G [minor]. She shall hereafter be known as A G [minor]. L K M is hereby appointed the child legal guardian in the event of misfortune befalling the applicant. The Registrar-General is directed to enter this adoption order

in the adoption register. The guardian *ad litem* is hereby discharged. The child is presumed to have been born on 25<sup>th</sup> May 2011. It is directed that the child be presumed to be Kenyan by birth as she was found within the Kenyan boundaries.

**DATED, SIGNED and DELIVERED at NAIROBI this 26th DAY OF September, 2013.**

**W. M. MUSYOKA**

**JUDGE**