



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 279 of 2012 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY N N I [*minor*].**

**JUDGEMENT**

The applicants, T W K and J E A-K, are a married Kenyan couple. Their Originating Summons is dated 5<sup>th</sup> October 2012, where they seek authority to adopt a female child known for the purpose of these proceedings as Baby N N I [*minor*].

The record placed before me shows that the child the subject of these adoption proceedings was found abandoned by unknown persons at a clinic near the District Officer's office at Kayole on 14<sup>th</sup> January 2010. She was rescued and taken to the Kayole Police Station where a report was filed. The police referred her to the Imani Children's Home, where she was later to be formally committed by the Children's Court for care and protection. It was estimated that she was about 5 days old at the time. Her date of birth has since been treated as 14<sup>th</sup> January 2010, the date when she was found. The police were not able to trace her parents and relatives, and treated her as an abandoned child. She was placed with the applicants on 14<sup>th</sup> December 2011 and has been with them to date. She was freed for adoption by the Little Angels Network adoption society by their certificate of 14<sup>th</sup> December 2011.

To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, Wandia Gichuru. These two have compiled and filed their reports in court, dated 25<sup>th</sup> June 2013 and 17<sup>th</sup> April 2013, respectively. There is also a report by the Little Angels Network dated 7<sup>th</sup> September 2011. 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 have been met. I will allow the applicants' application to adopt the child. The applicants, T W K and J E A-K, are hereby allowed to adopt the child, Baby N N I [*minor*]. She shall hereafter be known as M N W K [*minor*]. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged. As the child was

found abandoned within the boundaries of Kenya, I order that she be presumed to be Kenyan by birth in accordance with the provisions of the Kenya Citizenship and Immigration Act, 2011.

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

**W.M. MUSYOKA**

**JUDGE**