

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 173 of 2011 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY S A [minor]

JUDGEMENT

The applicants, P K K and G N K, are a married Kenyan couple. Their Originating Summons is dated 20th September 2011, where they seek authority to adopt a female child known for the purpose of these proceedings as Baby S A [minor].

The record placed before shows that the child the subject of these adoption proceedings was abandoned by her mother at a forest in [particulars withheld] District shortly after birth. Her dated of birth is 10th January 2010. A report of the finding of the child was made at the Machakos Police Station by good Samaritans on 28th April 2010. She was admitted at the Springs of Hope Children's Centre on 21st January 2010, and later moved to the New Life Home Trust on 28th April 2010, where she was later to be formally committed by the Children's Court. She was placed with the applicants on 1st December 2010 and has been with them to date. She was freed for adoption by the Little Angels Network adoption society by their certificate of 10th November 2010.

To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, Ann W Ng'ang'a. These two have compiled and filed their reports in court, dated 30th July 2010 and 4th July 2013, respectively. There is also a report by the Little Angels Network dated 2nd June 2010. 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, P K K and G N K, are hereby allowed to adopt the child, Baby S A [minor]. She shall hereafter be known as L W K [minor]. I hereby appoint P N the legal guardian of the child in the vent of misfortune befalling the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged. The child shall be presumed to be Kenyan by birth as she was found abandoned within the boundaries of Kenya.

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

W.M. MUSYOKA

JUDGE