



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO.62 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)
AND
IN THE MATTER OF BABY C M

JUDGEMENT

1. The applicants, S N O and E M M, are Kenyan citizens. They are a married couple. By their Originating Summons dated 19th October 2011 they seek to adopt a female child called Baby C M.
2. The subject child, Baby C M, was born to a known biological mother at the Tigoni District Hospital on 6th February 2011. The child's mother gave her up for adoption citing several grounds – that she was too young to raise the child, the child's father was unknown and that she was unemployed. She surrendered the child to an adoption agency, KKPI, and she and her mother, V N, signed the relevant consent papers. The child was committed to the Nest Children's Home and subsequently placed with the applicants on 8th September 2011 for the bonding period.
3. This adoption is being arranged through the KKPI adoption agency. The said adoption agency declared the child free for adoption through their certificate of 26th July 2012.
4. To facilitate this adoption, the applicants have been assessed by the KKPI adoption agency, the guardian *ad litem*, S S K and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services is dated 8th July 2013, while that by the guardian *ad litem* is dated 20th September 2013. The report by KKPI is not dated.
5. 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.
6. 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 applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

7. I find that the application before me has merit and I hereby permit the applicants, S N O and E M M, to adopt Baby C M be known hereafter as T M K. I appoint W O the child's legal guardian should misfortune befall the applicants during the child's minority. I direct the Registrar-General to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.
8. The child was born within Kenya, to a known Kenyan mother, she is therefore a Kenyan by birth.

DATED, SIGNED and DELIVERED at NAIROBI this 20th DAY OF December, 2013.

W.M. MUSYOKA

JUDGE