



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO.192 OF 2011 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)

AND

IN THE MATTER OF BABY M

JUDGEMENT

1. The applicants, D W C and D M W, are Kenyan citizens. They are a married couple. By their Originating Summons dated 11th October 2011 they seek to a female child called Baby M.
2. The subject child, Baby M, was abandoned a day after delivery at Huruma in Nairobi. She was found by a Good Samaritan who reported the matter at the Huruma Police Post on 12th January 2009. It is presumed that the child was born on 10th January 2009. She was admitted at the Missionaries of Charity at Huruma on the very day she was found, and was later to be formally committed there by the Children's Court. She was placed with the applicants on 11th May 2010 for the bonding period.
3. This adoption is being arranged through the Kenya Children's Homes adoption agency. The said adoption agency declared the child free for adoption through their certificate of 13th April 2010.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes adoption agency, the guardian *ad litem*, M W N and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services dated 26th March 2013, while that by Kenya Children's Homes is dated 27th September 2011. The report of the guardian *ad litem* is dated 20th September 2013.
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 applicant 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, D W C and D M W, to adopt Baby M be known hereafter as M W W. I appoint D K K and C N L 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 found abandoned at Huruma in Nairobi, it shall be presumed that she was born Kenyan and is entitled to all the rights that accrue to Kenyan citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act..

DATED, SIGNED and DELIVERED at NAIROBI this 19th DAY OF December, 2013.

W. M. MUSYOKA

JUDGE