



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
ADOPTION CAUSE NO.49 OF 2010
IN THE MATTER OF BABY J.N – MINOR

A.K.K.....1ST APPLICANT
A.M.G.....2ND APPLICANT

J U D G M E N T

The applicants, A.K.K and A.M.G, are husband and wife. They were married on 29th December 2000 under the **Marriage Act**. The applicants are not blessed with biological children of their own. They wish to adopt a child. Baby J.N (the child) was born on 27th August 2008 at Kenyatta National Hospital. He was abandoned at the hospital by his biological mother soon after birth. A report was made to the police based at Kenyatta police post. The child was discharged from the hospital and admitted to Thomas Barnados Children’s Home on 8th October 2008. The Children’s Court at Nairobi committed the custody of the child to the said Children’s Home pending further court proceedings. Efforts by the relevant authorities, including the police, to trace the whereabouts of the biological parents of the child have been in vain. No one has come forward to claim the child since the child was abandoned. This court therefore dispenses with the consent of the biological parents of the child for the purpose of these adoption proceedings. The child was declared free for adoption by Kenya Children’s Home Adoption Society on 6th May 2009. A certificate to that effect was issued and has been filed in court. The child was placed under the care and custody of the applicants for compulsory foster care on 15th May 2009 pending these adoption proceedings.

The applicants were assessed by Kenya Children’s Home adoption society and by the Director of Children’s Services. The two organizations recommend the application by the applicants to adopt the child. K.N, the guardian ad litem, also prepared a report which is favourable and recommends the proposed adoption. This is a local adoption. As stated earlier in this judgment, the applicants are married couple who have expressed their wish to adopt a male child. The applicants are Kenyan citizens by birth. They established that they have the financial and emotional capability and capacity to take care of the child. In the period of about two (2) years that the child has been in the custody of the applicants, it was evident to the court that the child has bonded with them. The child considers the applicants to be his parents. All the relevant agencies have recommended the adoption. This court is of the view that the applicants have fulfilled all the legal requirements for a local adoption.

This court formed the opinion that it would be in the best interest of the child for the child to be adopted by the applicants. The applicants will provide a home and a family for the child to grow up and be a useful member of the society. The applicants will be required to execute an undertaking that they 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 in their marriage; they have been made aware that once

the adoption order is issued, it shall be final and binding during the lifetime of the child that they shall adopt; that the child shall have the right to inherit their property; that an adoption order cannot be recanted, and further, that they shall not give up the child owing to any subsequent unforeseen behaviour or other changes in the child.

The court will therefore allow the applicants' application to adopt the child. They have fulfilled the legal requirements for local adoptions by a married couple. The applicants, A.K.K and A.M. G, are hereby allowed to adopt baby J.N. Henceforth, the child shall be known as K.K. P. K.K and A.K.K shall be the legal guardians of the child should misfortune befall the applicants. The Registrar General is hereby directed to enter this adoption order in the Adoption Register. The guardian ad litem is hereby discharged. It is so ordered.

DATED AT NAIROBI THIS 1ST DAY OF APRIL, 2011

L. KIMARU
JUDGE