

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

ADOPTION CAUSE NO. 8A OF 2019

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF ABANDONED BABY alias FAM

JUDGMENT

1. The applicants, WHM and BN, are Kenyan citizens. They are a married couple. They seek to adopt Abandoned Child alias Baby B alias FAM. Their Originating Summons is dated 26th November 2019.

2. The child in question was found abandoned in Turbo Forest, and it is estimated that he was born on 2nd February 2018. He was rescued and taken to the Lumakanda Sub-District Hospital and the Moi Teaching and Referral Hospital for treatment. A report was made at the Turbo Police Station, and the child was referred to the Holy Family Children's Home. He was later committed to the institution by the Eldoret Children's Court. The police confirmed, by a letter dated 14th August 2018, that no one came forward to claim the child. The child was freed for adoption on 3rd October 2018 by the Little Angels Network adoption society, by their certificate number 002026. The child was placed with the applicants in October 2018, and has been with them since.

3. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services (through the Vihiga County Children Services/Children's Officer) and the guardian *ad litem*, EJNO. The three have compiled and filed their reports in court. The report by the Director of Children Services is dated 6th October 2020, while that of the guardian *ad litem* is dated 26th November 2004. The reports by the Little Angels Network are dated 31st October 2018 and 10th December 2018. 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 himself appears to have bonded well with them and he considers them to be his parents.

4. In the opinion of this court it would be in the best interests of the child that he is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in. 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.

5. I am satisfied that all the legal requirements for a local adoption have been met, and I, therefore, make the following orders: -

(a) That the applicants, WHM and BN, are hereby allowed to adopt the child, Abandoned Child alias Baby B alias FAM, who shall hereafter be known FAM;

(b) That the said child is Kenyan by birth and it is hereby declared that he was born on 2nd February 2018;

(c) That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and

(d) That the guardian *ad litem* is hereby discharged.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 7th DAY OF May, 2021

W. MUSYOKA

JUDGE