

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 120 OF 2017

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY S Z

JUDGEMENT

1. The applicants, P M K and E N M, are Kenyan citizens. They are a married couple. They seek to adopt Baby S Z. Their Originating Summons is dated 22nd August 2017.

2. According to the records lodged herein by Change Trust, the adoption agency arranging the adoption, the child in question was found abandoned in a maize plantation at Maili Tisa, Kitale on 22nd August 2010. She was estimated to have been nine (9) months old then. It is presumed that she was born on 16th November 2009. The child was admitted at Mercy's Rescue Trust Children's Home, and a report of the abandonment was reported at the Kitale Police Station. She was later formally committed by the Kitale Children's Court to the said institution for care and protection. The police were unable to trace her parents or other immediate relatives. The child was freed for adoption on 28th May 2017 by Change Trust by their certificate number [particulars withheld]. The child was placed with the applicants on 7th April 2017.

3. To facilitate this adoption, the applicants have been assessed by Change Trust, the Director of Children Services and the guardian *ad litem*, Rev. A M K. The three have compiled and filed their respective reports in court. That of the Director of Children Services is dated 14th November 2017, while that of the guardian *ad litem* is dated 1st December 2017. The report by Change Trust is dated 28th March 2017. 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 herself appears to have bonded well with them and she considers them to be her parents. The applicants do not have other children.

4. In the opinion of this court it would be in the best interests of the child that the child herein 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 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 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, P M K and E N M, are hereby allowed to adopt the child Baby S Z, who shall hereafter be known M M;

(b) That it shall be presumed that the said child is Kenyan by birth and it shall be presumed that she was born on 16th November 2009;

(c) That R T and N T are hereby appointed legal guardians of the child in the event something untoward happens to the applicants;

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

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

DATED, SIGNED and DELIVERED at NAIROBI this 2ND DAY OF FEBRUARY, 2018.

W. MUSYOKA

JUDGE