

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 101 OF 2017

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY G B also known as D R

JUDGEMENT

1. The applicants, D M G and J W K, are Kenyan citizens. They are a married couple. They seek to adopt Baby G B also known as D R. Their Originating Summons is dated 22nd June 2017.

2. According to the records lodged herein by the Kenya Children's Homes, the adoption agency arranging the adoption, the child in question is presumed to have been born on 29th March 2016. She was found abandoned in a bush within Gimu Estate in Athi River on 20th March 2016. She was rescued by good Samaritans, who took her to the Athi River Police Station and made a report thereof. The child was taken to the Athi River Health Centre and later to Machakos Level 5 Hospital for management, and upon discharge therefrom, she was admitted at the Mahali Pa Maisha children's home. She was later formally committed by the Mavoko Children's Court to the said institution for care and protection. The police were unable to trace her biological parents or other immediate relatives. The child was freed for adoption on 5th October 2016 by the Kenya Children's Homes by their certificate number [...]. The child was placed with the applicants on 9th October 2016.

3. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, L C K. The three have compiled and filed their respective reports in court. That of the Director of Children Services is dated 2nd October 2017, while that of the guardian *ad litem* is dated 24th November 2017. The report by Kenya Children's Homes is dated 14th February 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 seems to have bonded well with them and she considers them to be her parents. The male applicant has a teenage daughter, who approves of the proposed adoption and who appears to have bonded well with the minor.

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, D M G and J W K, are hereby allowed to adopt the child Baby G B also known as D R, who shall hereafter be known H Y M;

(b) That the said child shall be presumed to be Kenyan by birth and it shall be presumed that she was born on 29th March 2016;

(c) That W M G is hereby appointed legal guardian 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