

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(FAMILY DIVISION)

ADOPTION CAUSE NO. 254 OF 2013

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY J H L

JUDGEMENT

1. The applicants, BKN and RNK, are Kenyan citizens. They are a married couple. They seek to adopt Baby JHL. Their Originating Summons is dated 16th October 2013.

2. According to the records herein, the child in question was found abandoned at the Bukhulunya area of Kakamega municipality on 16th March 2012 by a woman called Y L. The matter was reported at the Kakamega Police Station. The child was referred to and admitted at the Kakamega Rehema PEFA Home at Bukura, for care and protection on the same day. The child was eventually formally committed to that institution by the Kakamega Children's Court. The police were unable to trace her biological parents or other relatives. The child is estimated to have been born on 16th March 2010.

3. The child was freed for adoption by the Little Angels Network adoption society by their certificate number 001173 of 7th November 2012. The child was placed with the applicant on 15th July 2013.

4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, Jane Mburu. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 5th November 2014, while that of the guardian *ad litem* is undated but was filed in court on 16th March 2016. The report by the Little Angels Network is dated 13th March 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 himself appears to have bonded well with them and he considers them to be his parents. I note too that the male applicant has four biological children of his own, all of whom have attained majority age and have given their approval to the proposed adoption.

6. 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.

7. 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, BKN and RNK, are hereby allowed to adopt the child, Baby JHL, who shall hereafter be known JMK;

(b) That it shall be presumed that the said child is Kenyan by birth and that he was born on 16th March 2010.

(c) That NN and JMP 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 3RD DAY OF FEBRUARY, 2017.

W. MUSYOKA

JUDGE