



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(FAMILY DIVISION)**

**ADOPTION CAUSE NO. 68 OF 2015**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY M K**

**JUDGEMENT**

1. The applicants, J M J and E N M, are Kenyan citizens. They are a married couple. They seek to adopt Baby M K. Their Originating Summons is dated 15<sup>th</sup> January 2015. The child in question was found abandoned shortly after birth within [particulars withheld] Estate Nairobi on 30<sup>th</sup> September 2012 by a Good Samaritan. The matter was reported at the Kabete Police Station. The child was referred to and admitted at the Abandoned Baby Centre, for care and protection the same day. He was eventually formally committed to that institution by the Nairobi Children's Court. The police were unable to trace his biological parents or his other relatives. The child is estimated to have been born on 29<sup>th</sup> September 2012. The child was freed for adoption by the Little Angels Network adoption society by their certificate number [particulars withheld] of 26<sup>th</sup> March 2014. The child was placed with the applicants on 9<sup>th</sup> May 2014.

2. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, J N. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 20<sup>th</sup> January 2017, while that of the guardian *ad litem* is dated 18<sup>th</sup> April 2017. The report by the Little Angels Network is dated 31<sup>st</sup> July 2013. 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.

3. 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.

4. 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, J M J and E N M, are hereby allowed to adopt the child Baby M K, who shall hereafter be known as J B M;**
- b. That it shall be presumed that the said child is Kenyan by birth, and it shall be presumed that he was born on 29<sup>th</sup> September 2012;**
- c. That M R W K 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 14<sup>TH</sup> DAY OF JULY, 2017.**

**W. MUSYOKA**

**JUDGE**