

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 271 OF 2013 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY L

JUDGEMENT

1. J T K and E N K are a married Kenyan couple. They seek to adopt a female child, known for the purposes of these proceedings as Baby L. They have moved the court by their Originating Summons dated 25th October 2013.

2. Baby L was found abandoned on 29th June 2013 in the Tigoni area of Limuru. A report of the abandonment was made at the Tigoni Police Station by the Good Samaritan who found her. The child was handed over to the Nest Children's Home after she had been committed to the institution by the Nanyuki Children's Court on 7th April 2004. She was placed with the applicants on 5th October 2004 for the bonding period. She was declared free for adoption by the Kenya Children's Home adoption society by their certificate dated 13th September 2007.

3. To facilitate this adoption, the applicant has been assessed by the Kenya Children's Home, the Director of Children Services, and the guardian *ad litem*, Carolyn Nyaguthii Ngure. These three have compiled and filed their reports in court - the Kenya Children's Home's report is dated 26th September 2007, while that of the Director of Children's Services is dated 7th May 2015. The guardian *ad litem*'s report is dated 27th February 2014. All these reports are favourable and recommend the proposed adoption.

4. The applicants have filed documents that demonstrate that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with them and she considers them to be her parents.

5. In the opinion of this court it would be in the best interests of the child that she is adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family and the society at large. 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.

6. The court allows the applicants application to adopt the child. The applicants, J T K and E N K, are hereby allowed to adopt the child, Baby L. She shall hereafter be known as S W K. G W G and L G N are

hereby appointed the legal guardians of the child in the event of the untoward happening to the applicants. As the child was found abandoned within Kenya, she is hereby presumed to be Kenyan by birth. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 5TH DAY OF FEBRUARY, 2016.

W. MUSYOKA

JUDGE