



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 165 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY A C**  
**JUDGEMENT**

1. The applicants, D K M and M M K, are Kenyan citizens. They are a married couple. They seek to adopt Baby A C. Their originating summons is dated 22<sup>nd</sup> July 2013.
2. The child in question was born prematurely at the Gatundu District Hospital on 25<sup>th</sup> August 2008. Her birth mother abandoned her at the said hospital on 5<sup>th</sup> October 2008. A report of the abandonment was made at the Gatundu Police Station. The child was admitted at the Thomas Barnados House for care and protection, where she was eventually formally committed by the Nairobi Children's Court. The police were unable to trace her biological parents.
3. The child was freed for adoption by the Kenya Children's Homes adoption society by their certificate of on 8<sup>th</sup> March 2010. The child was placed with the applicants for the bonding period on 21<sup>st</sup> April 2010.
4. 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*, J M M. The three have compiled and filed their reports in court. That by the Director of Children Services is dated 19<sup>th</sup> September 2014, while that of the guardian *ad litem* is undated, but was filed in court on 20<sup>th</sup> January 2015. The report by the Kenya Children's Homes is dated 10<sup>th</sup> December 2012.
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 herself appears to have bonded well with them and she considers them to be her parents.
6. 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. 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 applicant 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, D K M and M M K, are hereby allowed to adopt the child Baby A C, who shall hereafter be known A N K;**
- b. **That the said child is hereby declared Kenyan by birth and her date of birth is 25<sup>th</sup> August 2008;**
- c. **That M N 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 5<sup>TH</sup> DAY OF FEBRUARY, 2016.**

**W. MUSYOKA**

**JUDGE**