



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 34 OF 2015 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY C I
JUDGEMENT

1. The applicants, J K M and P N M, are Kenyan citizens. They are a married couple. They seek to adopt Baby C I. Their originating summons is dated 25th September 2013.
2. The child in question was found abandoned, wrapped in a polythene bag, in a sewerage in the Kariobangi area of Nairobi. Good Samaritans rescued him, and took him to the Buru Buru Police Station, where they made a report. The child was admitted at the Imani Children's Home for care and protection, where he was eventually formally committed by the Nairobi Children's Court. The police were unable to trace his biological parents. It was estimated that he was born on 1st May 2010.
3. The child was freed for adoption by the Buckner Kenya Adoption Services by their certificate of 26th September 2014. The child was placed with the applicants for the bonding period on 29th September 2014.
4. To facilitate this adoption, the applicants have been assessed by the Buckner Kenya Adoption Services, the Director of Children Services and the guardian *ad litem*, Bonface Kioko. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 24th August 2014, while that of the guardian *ad litem* is dated 25th August 2015. The report by the Buckner Kenya Adoption Services is undated, but was filed in court on 20th February 2015.
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.
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 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 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 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, J K M and P N M, are hereby allowed to adopt the child Baby C I, who shall hereafter be known C M ;**
- b. That the said child is hereby declared that the subject child shall be presumed to be Kenyan by birth and it shall be presumed that he was born on 1st May 2010;**
- c. That A M and J M 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 5TH DAY OF FEBRUARY, 2016.

W. MUSYOKA

JUDGE