



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MILIMANI**  
**ADOPTION CAUSE NO. 223 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY D M S also known as E**  
**JUDGEMENT**

1. The applicants, P N M and P M W, are Kenyan citizens. They are a married couple. They seek to adopt Baby D M S also known as E. Their originating summons is dated 25<sup>th</sup> September 2013.
2. The child in question was presented at the Pangani Police Station on 17<sup>th</sup> August 2011 as an abandoned child, having allegedly been found within the Mlango Kubwa area of Pangani, Nairobi. The child was then admitted at the Nairobi Children's Home, from Nairobi Women's Hospital. He was later transferred to His Cherished Ones Inc., Haven of Hope Baby Centre at Nakuru. He was eventually formally committed to that institution by the Nakuru Children's Court. The police were unable to trace his biological parents.
3. The child was freed for adoption by the Kenya Children's Homes adoption society by their certificate of 8<sup>th</sup> March 2011. The child was placed with the applicants on 26<sup>th</sup> March 2011.
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*, Mary Nyambura Kamuiru. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 16<sup>th</sup> October 2014, while that of the guardian *ad litem* is dated 4<sup>th</sup> February 2014. The report by the Kenya Children's Homes is dated 9<sup>th</sup> July 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 have taken note of the fact that the applicants have one biological child of their own.
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, P N M and P M W, are hereby allowed to adopt the child Baby Dennis Muhoja Shisoya also known as E, who shall hereafter be known H M N;**
- b. **That the said child is hereby declared to be Kenyan by birth and it shall be presumed that he was born on 15<sup>th</sup> August 2009.**
- c. **That W M W and R W G 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 5<sup>TH</sup> DAY OF FEBRUARY, 2016.**

**W. MUSYOKA**

**JUDGE**