



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 241 OF 2014 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY A
JUDGEMENT

1. The applicants, J M M and P W K, are Kenyan citizens. They are a married couple. They seek to adopt Baby A. Their originating summons is dated 14th October 2014.
2. The child in question was found abandoned in a coffee farm at [particulars withheld] on 15th November 2013. A report of the abandonment was made to the area Chief and at the Chogoria Police Station on the same day. The child was admitted at the New Life Home Trust for care and protection, where she was eventually formally committed by the Chuka Children's Court. The police were unable to trace her biological parents.
3. The child was freed for adoption by the Little Angels Network adoption agency by their certificate of 25th June 2014. The child was placed with the applicants for the bonding period on 26th May 2014. The child is estimated to have been born on 29th September 2013.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Little Angels Network, the Director of Children Services and the guardian *ad litem*, Steven Okong'o Ombok. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 16th July 2015, while that of the guardian *ad litem* is dated 13th January 2015. The report by the Little Angels Network is dated 25th June 2014.
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. I take note of the fact that the applicants have previously adopted a boy child.
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, J M M and P W K, are hereby allowed to adopt the child Baby A, who shall hereafter be known A A M;**
- b. **That the subject child shall be presumed to be Kenyan by birth;**
- c. **That it shall be presumed that the said child was born on 29th September 2013;**
- d. **That A N M and O M M are hereby appointed legal guardians of the child in the event something untoward happens to the applicants;**
- e. **That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**
- f. **That the guardian *ad litem* is hereby discharged.**

DATED, SIGNED and DELIVERED at NAIROBI this 3RD DAY OF JUNE, 2016.

W MUSYOKA

JUDGE