



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MOMBASA

ADOPTION CAUSE NO. 10 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY M W

JUDGEMENT

1. N G and J M M are a married Kenyan couple. They seek to adopt a male child, known for the purposes of these proceedings as Baby M W. They have moved the court by their Originating Summons dated 6.9.12.
2. M W was born on 23.9.10 at Mbagathi District Hospital, Nairobi but was abandoned by his mother at the hospital. The abandonment was reported at the Kenyatta Police Post. port at Dandora Police Station. The child was admitted at Thomas Barnado House on 7.12.10. Thereafter the Children's Court at Nairobi formally committed the child to the said institution on 21.2.11.Thomas Barnado House placed the child with the Applicants on1.12.11vide a Care Agreement.
3. The Court did on 29.10.12 approve the appointment of Pastor N M the Guardian *ad litem* in this matter.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes a registered adoption society, the Director of Children Services, and Pastor N M guardian *ad litem* and all have filed their respective reports.
5. Kenya Children's Homes which arranged the adoption declared the minor free for adoption on 9.6.11 *vide* its certificate number 666. The adoption society's report dated 6.6.12was filed in Court on 11.9.12.The Director of Children Services' report was filed on 21.2.14 while the Guardian *ad litem* filed his on 15.3.13. All these reports are favourable and recommend the proposed adoption.
6. The Applicants for their part have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child appears to have bonded well with the Applicants and considers them to be his parents. The Applicants do not have biological children of their own.
7. After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be 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 become a useful member of

the family and the society at large.

8. The Applicants have been made aware of the consequences of an adoption order. They shall assume all parental rights and duties of the biological parents in respect of the child. They shall treat the adopted child as if he was born to them. That the adoption order is 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.
9. The Court is further satisfied that all the legal requirements for a local adoption have been met and makes the following Orders as prayed in the Originating Summons dated 6.9.12:
 - a. The Applicants, N G and J M M are hereby allowed to adopt baby M W who shall henceforth be known as L M N.
 - b. The Child's date of birth is declared to be 23.9.10.
 - c. The Child is hereby declared to be a Kenyan citizen by birth.
 - d. C M M holder of National Identity Card Number *[particulars withheld]* is hereby appointed legal guardian of the child in the event that the Applicants die or are incapacitated by ill-health.
 - e. I direct the Registrar General to enter this order in the Adoption Register.
 - f. N M the guardian *ad litem* is hereby discharged.

It is so ordered.

DATED, SIGNED and DELIVERED at MOMBASA this 2nd day of December, 2015.

M. THANDE

JUDGE

In the presence of: -

..... **for the Applicants**

..... **Court Assistant**