



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 240 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY J N alias A N [minor]**

**JUDGEMENT**

1. The applicants, P G C and M C C, are British and French national respectively. They are currently resident in Kenya, where the male applicant is working with the United Nations at Nairobi, while the female applicant is a housewife. This is therefore a foreign resident application. The applicants filed their Originating Summons dated 10<sup>th</sup> October 2013 seeking the court's permission to adopt the Kenyan male child known for the purpose of these proceedings as Baby J N alias A N [minor].
2. Baby J N alias A N, the subject of these adoption proceedings was born at the Kiambu District Hospital by J N who thereafter abandoned him at the hospital on 31<sup>st</sup> July 2010. Her parents are unknown. A report was made at the Kiambu Police Station. The child was thereafter committed at the Nest Children's Home. His parents have not been traced to date. He was placed with the applicants on 5<sup>th</sup> June 2013.
3. This adoption is being arranged by the KKPI Adoption Agency, which filed in court a report on the background given above. The report is dated 29<sup>th</sup> October 2013. The child was declared free for adoption by the KKPI Adoption Agency by their certificate dated 29<sup>th</sup> May 2013.
4. To facilitate the adoption the applicant has been assessed by the Director of the Children's Services and the guardian *ad litem*, Judy Mwihi, both of who have reports dated 28<sup>th</sup> November 2013 and 9<sup>th</sup> January 2014, respectively. 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 appears to have bonded well with the applicants and he considers them to be his parents. I note that they have children of their own who are now adults.
5. In the opinion of this court it would be in the interests of the child that the child is adopted by the applicant. The applicant 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 applicant will be required to execute an undertaking that she 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 applicant 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.

6. I am satisfied that all the legal requirements for residency adoption have been met. The applicants, P G C and M C C, are hereby allowed to adopt the child, Baby J N alias A N [*minor*]. His name shall hereafter be A G C-C[*minor*]. I hereby appoint D J S and H M S legal guardians of the child should anything untoward happen to the applicant. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.
7. The said child was found abandoned at Kiambu County within Kenya to a known Kenya parents, he is therefore hereby declared to be Kenyan by birth. He is entitled to all the rights of a citizen flowing from the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 31<sup>st</sup> DAY OF January, 2014.

**W. MUSYOKA**

**JUDGE**