



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 159 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY B

RULING

1. On 25th July 2013 I made an order directing the applicants to engage an adoption agency other than the Child Welfare Society of Kenya, which did not have authority to arrange adoptions at the time. The applicants have since engaged the Little Angels Network, who on 15th November 2013 filed a report to declare the child free for adoption, and a certificate dated 30th October 2013 freeing the child for adoption.
2. The child sought to be adopted, Baby B, was found abandoned within [particulars withheld] in Nairobi on 17th October 2009. He was rescued by a Good Samaritan, who reported the matter at the Parklands Police Station the same day. The child was taken to the [particulars withheld] Hospital, and later referred to the [particulars withheld] for care and protection. It was from this home that he was placed with the applicants on 29th September 2009. His parents have never been traced.
3. The applicants had been assessed by the Director of Children Services and the guardian *ad litem*, M A Yohannis. The two have filed their reports in court, dated 27th November 2012 and 7th December 2012, respectively. All these reports are positive and recommend the adoption. The child appears to have bonded with the applicants and considers them to be his parents. I have noted from the record that the applicants have three other children; one of them being an issue of the applicants' marriage.
4. In the circumstances, it would be in the best interests of the child that he is adopted by the applicants. They have already provided a home for him since September 2009, and it is only right that he should be allowed to become a member of their family. The applicants shall care and protect him. They have been made aware that once the adoption order is made, they cannot thereafter renounce the child for whatever reason, and that he will be entitled to inherit their property.

5. As the parents of the child have not been traced, and no one has come forward to claim him, I do hereby waive the consent of his biological parents. And as the reports on record demonstrate that the applicants are qualified and competent to take up the responsibility of parents of the said child, and no one has come forward to challenge the applicants' suitability in that respect, I shall allow them to adopt the said child.
6. In the end I will make the following final orders:
 - a. That the application dated 30th July 2012 is hereby allowed;
 - b. That P S H K and J A M N are hereby permitted to adopted Baby B;
 - c. That the said child shall hereafter be known as B T N;
 - d. That A K is hereby appointed the legal guardian of the child, in the event of misfortune befalling the applicants;
 - e. That as the subject child was found abandoned within Nairobi; he shall be presumed to have been born Kenyan and consequently entitled to all the rights that accrue to Kenyan citizens under the Kenya Constitution 2010 and the Kenya Citizenship and Immigration Act;
 - f. That the Registrar-General is hereby directed to enter this adoption into the adoption register; and
 - g. That the guardian *ad litem* is hereby discharged from her role and responsibility as such.

DATED, SIGNED and DELIVERED at NAIROBI this 9th DAY OF May 2014.

W MUSYOKA

JUDGE

No appearance for the applicants.