



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 163 OF 2013 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY E.**

**JUDGEMENT**

1. The applicants, P. N. K. and D. N. N., are Kenyan citizens. They are a married couple. By their Originating Summons dated 5<sup>th</sup> May 2013 they seek to a female child called Baby E.
2. The subject child, Baby E. was abandoned at the home of a S O O at Huruma Estate, Nairobi, on 27<sup>th</sup> November 2011. He was estimated to have been three months old at the time, and therefore his date of birth is estimated to be 22<sup>nd</sup> June 2011. A report was made of the incident at the Huruma Police Post. The child was referred by the police to the Missionaries of Charity Children's Home at Huruma for care and protection. The child was later committed to the home by the children's court. He was placed with the applicants on 3<sup>rd</sup> August 2012. The police have so far not traced his parents and or relatives, and no one has come forward to claim him.
3. This adoption is being arranged through the Kenya Children's Homes adoption agency. The said adoption agency declared the child free for adoption through their certificate of 10<sup>th</sup> July 2013.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes adoption agency, the guardian *ad litem*, G K W and the Director of Children Services. All three have compiled and filed their reports in court. The report by the Director of Children Services dated 4<sup>th</sup> February 2014, while that by Kenya Children's Homes is dated 8<sup>th</sup> August 2013. The report of the guardian *ad litem* is dated 12<sup>th</sup> February 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 appears to have bonded well with them and he considers them to be his parents.
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 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 find that the application before me has met the requirements for a local adoption and I therefore hereby make the final orders:-
- a. That I hereby permit the applicants, P. N. K. and D. N. N. to adopt Baby E, to be known as K. K. N.;
  - b. That I appoint C S N and R W G the child's legal guardians should misfortune befall the applicants during the child's minority;
  - c. That I direct the Registrar-General to enter this adoption order in the adoption register;
  - d. That the guardian *ad litem* is hereby discharged; and
  - e. That I hereby declare the child the subject of these proceedings shall be presumed to be a Kenyan citizen by birth, having been found abandoned within Kenya. He is therefore entitled to all the rights that accrue to Kenyan citizens under the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

**DATED, SIGNED and DELIVERED at NAIROBI this 6<sup>th</sup> DAY OF June 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Mwenda advocate for the applicants.**