



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 134 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY P. A. J.

JUDGEMENT

1. The applicants, G. O. W. and A. K. W., are Kenyan citizens. They are a married couple. They seek to adopt Baby P. A. J.. Their originating summons is added 5th June 2013.
2. The child in question was born at the Coast Provincial General Hospital to a known mother, Maxi Purity Hamisi, on 2nd September 2004. The birth mother gave up the child for adoption. She was herself a minor, for she got the child at age seventeen. She was HIV positive and was living in an institution following her rescue from the streets. Records also indicate that she abuses drugs and is a petty criminal. She has executed relevant consents. The child also tested HIV positive, and was released to an institution in Nairobi for care and protection. He was formally committed to the institution, the Rehema Pefa Home, on 9th May 2006. The child was placed with the applicants on 16th September 2006.
3. The child was freed for adoption by the Little Angels Network adoption society by their certificate of 4th July 2012.
4. To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, R J W. The two have compiled and filed their reports in court. That by the Director of Children Services is dated 25th October 2013, while that by the guardian *ad litem* is dated 24th March 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 himself appears to have bonded well with them and he considers them to be his parents. I have taken note of the fact that the applicants had previously adopted another child, who has prospered under them.
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, G. O. W. and A. K. W., are hereby allowed to adopt the child Baby P. A. J., who shall hereafter be known A. A. W.;
 - b. That the said child is Kenyan by birth as he was born of a known Kenyan;
 - c. That R O and E O are hereby appointed legal guardians of the child in the event something untoward happens to the applicants;
 - d. That the Registrar-General is directed to enter this adoption order in the adoption register; and
 - e. That the guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 6th DAY OF June 2014.

W. MUSYOKA

JUDGE

In the presence of Mrs. Mbanya advocate for the applicants.