



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 122 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF B. B.

JUDGEMENT

1. The applicants, R. K. K. and M. W. K., are Kenyan citizens. They are a married couple. They seek to adopt Baby B. Their originating summons is dated 23rd May 2013.
2. The child in question was abandoned on 15th June 2005 within Huruma estate in Nairobi, having been abandoned by unknown persons. The matter was reported at the Huruma Police Post and the child taken to the Missionaries of Charity Huruma, where he was later to be committed by the children's court. No one came forth to claim him, and the police have been unable to trace his relatives. He was placed with the applicants on 28th April 2010.
3. The child was freed for adoption by the KKPI adoption society by their certificate of 24th March 2010.
4. To facilitate this adoption, the applicants have been assessed by the KKPI adoption society, the Director of Children Services and the guardian *ad litem*, J M M. The three have compiled and filed their reports in court. That of the KKPI adoption society is undated, while that of the Director of Children Services is dated 29th October 2013. The report of the guardian *ad litem* is dated 26th 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.
6. In the opinion of this court it would be in the best interests of the child that he 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, R. K. K. and M. W. K., are hereby allowed to adopt the child Baby B, who shall hereafter be known B. K. K.;
 - b. That the said child shall be presumed Kenyan by birth as he was found abandoned within Kenya.
 - c. That J K and M K are hereby appointed legal guardians of the child in the event something untoward happens to the applicants;
 - d. That the Registrar-General is hereby 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 for the Applicants.