



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 116 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY A. A.

JUDGEMENT

1. The applicants, J. K. and J. W. K., are Kenyan citizens. They are a married couple. They seek to adopt Baby A A. Their originating summons is added 17th April 2013.
2. The child in question was found dumped in a pit latrine on 16th March 2011 in ***[particulars withheld]*** village in Nakuru. The matter was reported at the Kaptembwa Police Post. She was thereafter admitted at the Haven of Hope children's home for care and protection, from where she was placed with the applicants on 5th March 2012. It is estimated that she was born on 16th March 2011.
3. The child was freed for adoption by the Kenya Children's Home Adoption Society by their certificate of 8th November 2011.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Home Adoption Society, the Director of Children Services and the guardian *ad litem*, N M M. The three have compiled and filed their reports in court. That of the Kenya Children's Home Adoption Society dated is 17th July 2013, while that of the Director of Children Services is dated 4th December 2013. That of the guardian *ad litem* is dated 3rd 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 herself appears to have bonded well with them and she considers them to be her parents. I have taken note of the fact that the applicants have a biological child of their own, who is about five years older than as the subject child.
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, J. K. and J. W. K., are hereby allowed to adopt the child Baby A A, who shall hereafter be known A. C. W.;
 - b. That the said child shall be presumed Kenyan by birth as she was found abandoned within Kenya;
 - c. That C W is hereby appointed legal guardian 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