



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 237 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY S.

JUDGEMENT

1. The applicants, A. M. M. and A. B. C. M., are Kenyan citizens. They are a married couple. They seek to adopt Baby S. Their originating summons is dated 7th October 2013.
2. The child in question was abandoned on 26th November 2011 with a woman called A. A. in the Eastleigh area of Nairobi. The woman who abandoned the child requested A. to hold the child for her as she run some errand, she never came back. A. reported the matter at the Pangani Police Station the same day and the child was taken to Kenyatta National Hospital for check-up, from whence she was committed to the Happy Life Children's Home. He was placed with the applicants on 22nd May 2013.
3. The child was freed for adoption by the Little Angels Network adoption society by their certificate of 19th June 2013.
4. To facilitate this adoption, the applicants have been assessed by the Little Angels Network, the Director of Children Services and the guardian *ad litem*, A N. The three have compiled and filed their reports in court. That of the Little Angels Network is dated 7th November 2012, while that of the Director of Children Services is dated 13th March 2013. The report of the guardian *ad litem* is undated but was filed in court on 26th 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 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 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, A. M. M. and A. B. C. M., are hereby allowed to adopt the child Baby S, who shall hereafter be known O. Z. M.;
- b. That the said child shall be presumed Kenyan by birth as she was found abandoned within Kenya.
- c. That M. A. O. and M. O. 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