



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 211 OF 2014**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF**

**J.W.M.....THE CHILD**

**AND**

**J K N.....1<sup>ST</sup> APPLICANT**

**R W K.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants J K N and R W K are Kenyans from Muranga County but now stay in Ruiru in Kiambu and have been married since 1997. They have no child. They filed this originating summons on 16<sup>th</sup> September 2013 seeking to be allowed to adopt Baby Hope.

3. Baby Hope was on 19<sup>th</sup> January 2011 found abandoned by unknown persons at Kenyatta market. She was taken to Kenyatta National Hospital by the police officer who had rescued her. The incident was reported to Kenyatta Police Post and child referred to Hope House Babies Home for care and protection. On 21<sup>st</sup> December 2011 the Children's Court in Nairobi committed the child to the Home. On 14<sup>th</sup> March 2012 the applicants received it for the mandatory foster care and have lived with it since. The child has not been claimed. She lives in a jovial, lovely, active and healthy environment provided by the applicants.

3. The child was on 25<sup>th</sup> January 2012 declared free for adoption by KKPI Adoption Society who issued a certificate to that effect.

4. The applicants have been assessed by KKPI Adoption Society, the Director of Children Services and the guardian *ad litem* E C M and each has produced a report recommending the adoption. The reports show that the applicants have the financial and emotional capability and capacity to take care of the child

and to bring it up into a useful member of the society. The child has bonded well with the applicants whom she considers to be her parents.

5. The court is of the view that it would be in the best interests of the child to be adopted by the applicants. This would allow the applicants to provide a home and family environment in which she will grow and develop. The applicants shall assume all rights and duties of the biological parents in support of the child, whom they shall treat 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. 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.

6. I am satisfied that all the legal requirements for a local adoption have been met. I therefore make the following orders:-

a. that the applicants J K N and R W K are hereby allowed to adopt Baby H who shall hereafter be known as J N K;

b. that the said child shall be presumed to be Kenyan by birth as she was found abandoned in Kenya;

c. that her date of birth shall be 19<sup>th</sup> December 2010;

d. that C N K shall be the guardian of the child in the event the adopters die or become incapacitated before she attains full age;

e. that the Registrar General is hereby directed to enter this adoption in the Adoptions Register; and

f. that the guardian *ad litem* is hereby discharged.

**DATED and DELIVERED at NAIROBI this 11<sup>th</sup> July 2014.**

**A.O. MUCHELULE**

**JUDGE**