



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
ADOPTION CAUSE NO. 200 OF 2013 (OS)
AND
IN THE MATTER OF THE CHILDREN'S ACT
(NO. 8 OF 2001)
AND
IN THE MATTER OF BABY M. Z.

JUDGEMENT

1. The applicants, E W M and E W W, are Kenyan citizens. They are a married couple. They seek to adopt Baby M. Z. Their originating summons is added 2nd September 2013.
2. The child in question was abandoned on 18th October 2012 with another minor within Nakuru township. The matter was reported at the Nakuru Police Station, the police referred the child to the New Life Trust at Nakuru for care and protection. She was later transferred to the New Life Home Trust at Nairobi from where she was placed with the applicants on 19th January 2013. The police were not able to trace the biological parents of the child, and nobody came forward to claim her. It is estimated that she was born on 18th September 2012
3. The child was freed for adoption by the Little Angels Network adoption society by their certificate of 5th June 2013.
4. To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, P A O. The two have compiled and filed their reports in court. That of the Director of Children Services is dated 17th March 2014, while that of the guardian *ad litem* is dated 2nd May 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 previously adopted a male child who is now in Standard Three.
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, E W M and E W W, are hereby allowed to adopt the child Baby M Z, who shall hereafter be known M Z W;
- b. That the said child shall be presumed Kenyan by birth as he was found abandoned within Kenya.
- c. That J N M is hereby appointed legal guardian 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 4th DAY OF July 2014.

W. MUSYOKA

JUDGE