



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 120 OF 2013 (OS)**

**AND**

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

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF BABY D. K.**

**JUDGEMENT**

1. The applicants, T G N and J M M, are Kenyan citizens. They are a married couple. They seek to adopt Baby D. K. Their originating summons is dated 1<sup>st</sup> May 2013.
2. The child in question was found abandoned within the Kisii Estate, Makongeni, Thika Town. The matter was reported at the Makongeni Police Post on 25<sup>th</sup> June 2007. The child was referred to the Thika District Hospital for medical check-up, and thereafter to the Abandoned Baby Centre at Dagoretti for care and protection. He was later committed to the institution by the Children's Court, and it is from there that he was placed with the applicants on 14<sup>th</sup> April 2010. The police were not able to trace the biological parents of the child, and nobody came forward to claim him. He was presumed to have been born on 25<sup>th</sup> June 2007.
3. The child was freed for adoption by the Child Welfare Society of Kenya by their certificate of 4<sup>th</sup> October 2011.
4. To facilitate this adoption, the applicants have been assessed by the Child Welfare Society of Kenya, the Director of Children Services and the guardian *ad litem*, H N. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 3<sup>rd</sup> November 2013, while that of the guardian *ad litem* is dated 8<sup>th</sup> November 2013. The report by the Child Welfare Society of Kenya is dated 4<sup>th</sup> October 2011.
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, T G N and J M M, are hereby allowed to adopt the child Baby D K, who shall hereafter be known D K N;
  - b. That the said child shall be presumed Kenyan by birth as he was found abandoned within Kenya;
  - c. That K 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 4<sup>th</sup> DAY OF July 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of .....advocate for the applicants**