



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**ADOPTION CAUSE NO. 275 OF 2013 (OS)**  
**AND**  
**IN THE MATTER OF THE CHILDREN'S ACT**  
**(NO. 8 OF 2001)**  
**AND**  
**IN THE MATTER OF BABY M. I.**

**JUDGEMENT**

1. The applicants, J N M and M W M, are Kenyan citizens. They are a married couple. They seek to adopt Baby M. I. Their originating summons is dated 13<sup>th</sup> November 2013.
2. The child in question was born on 4<sup>th</sup> November 2011 at the Tenwak Hospital, Bomet County, and given up for adoption by her biological mother, who however never came back to sign the consent papers. This could therefore be treated as a case of abandonment. The matter was reported at the Nakuru Police Station on 15<sup>th</sup> March 2012. The child was referred to the Africa Gospel Church Baby Centre at Nakuru for care and protection. She was later committed to the institution by the Children's Court, and it is from there that she was placed with the applicants on 1<sup>st</sup> December 2012. The police were not able to trace the biological parents of the child, and nobody came forward to claim her. She was born on 4<sup>th</sup> November 2011.
3. The child was freed for adoption by the Kenya Children's Homes adoption society by their certificate of 16<sup>th</sup> October 2012.
4. To facilitate this adoption, the applicants have been assessed by the Kenya Children's Homes, the Director of Children Services and the guardian *ad litem*, M K. K. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 17<sup>th</sup> April 2014, while that of the guardian *ad litem* is dated 21<sup>st</sup> March 2014. The report by the Kenya Children's Homes is dated 2<sup>nd</sup> December 2013.
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.

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 N M and M W M, are hereby allowed to adopt the child Baby M I, who shall hereafter be known I M N;
  - b. That the said child is Kenyan by birth as she was born within Kenya by a known Kenyan mother.
  - c. That L 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 4<sup>th</sup> DAY OF July 2014.**

**W. MUSYOKA**

**JUDGE**

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