



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO.32 OF 2013 (OS)
IN THE MATTER OF THE CHILDREN ACT (CAP 141)
AND
IN THE MATTER OF BABY M.K AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
O A E
AND
E A K

JUDGMENT

1. The applicants O A E AND E A K are a married couple who are Kenyan citizens. On 19th February 2013 they filed this originating summons seeking to adopt the child herein.
2. The child was born on 27th March 2011 at Thika District Hospital by one M N. On the following day the mother abandoned it at the Hospital. The matter was reported at Thika Police Station on 29th March 2011. The baby was taken to Thomas Barnados House for protection and care. On 13th April 2011 the Children Court at Nairobi committed the child to the House. On 11th October 2011 the child was placed with the applicants for mandatory bonding period prior to adoption. She has continuously been in their care and control.
3. On 8th November 2011, the child was under **section 156** of the **Children Act** declared to be free for adoption by the Kenya Children's Homes Adoption Society who issued a certificate to that effect.
4. The Director of Children Services, Kenya Children's Homes Adoption Society and the guardian *ad litem* G M I have each produced a report to recommend the adoption. They show that the applicants have the financial and emotional capability and capacity to take care of the child and bring it up in a family environment. The reports reveal that they have bonded well with the child. They have not been able to get biological children.
5. The court considers it is in the best interests of the child to grow up and develop in the family environment of the applicants. The applicants shall assume all parental responsibilities over the child, and treat it as if it is their biological one. They 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 she shall have the right to inherit their property. The applicants cannot give up their responsibility owing to any subsequent unforeseen behaviour or other challenges in the child.

6. I allow the applicants originating summons and direct as follows:-

a. that they, O A E AND E A K, are hereby allowed to adopt the child;

b that the child shall henceforth be known as J Z K A;

c. that K Z B is hereby appointed the legal guardian of the child until she is 18 should the applicants die or become incapacitated; and

d. that the Registrar General shall enter this adoption order in the Adoptions Register.

DATED and DELIVERED at NAIROBI this 6th October 2014

A.O. MUCHELULE

JUDGE