

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 133 of 2011

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY B alias M.M.K

JUDGEMENT

The applicants, B.K.M and A.Y.K, are Kenyan citizens. They are a married couple. Baby B alias M.M.K, the subject of these adoption proceedings is an abandoned child. He was found abandoned in (Name withheld), Nairobi on 11th January 2009, and a report was made at the (Name withheld) Police Station. He was released to an institution, the Missionaries of Charity Home. He was placed with the applicants on 21st December 2010 and has been with them to date. Police records indicate that he has not so far been claimed by anyone. Consequently, he was freed for adoption by the Kenya Children's Home adoption agency by their certificate of 9th November 2010.

To facilitate this adoption, the applicants have been assessed by the guardian ad litem J.K.M the Director of Children Services. These two have compiled and filed their reports in court, dated 1st August 2011 and 19th June 2012. There is also a report by the Kenya Children's Homes adoption agency dated 20th July 2011. 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 appears to have bonded well with them and he considers them to be her parents. I also note that the applicants have four children of their own.

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 he 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.

I am satisfied that all the legal requirements for a local adoption have been met. I will allow the applicants' application to adopt the child. The applicants, B.K.M and A.Y.K, are hereby allowed to adopt the child, Baby B alias M.M.K. He shall hereafter be known as M.M.K. J.K.M and M.N are hereby appointed legal guardians of the child in the event something happens to the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian *ad litem* is hereby discharged.

DATED, SIGNED and DELIVERED at NAIROBI this 10th DAY OF May, 2013.

W. M. MUSYOKA

JUDGE