

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 99 of 2012

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY R.G

JUDGEMENT

The applicants, O.W.W and A.W.M, are married Kenyan couple. The child the subject of these adoption proceedings was found abandoned by an unknown person along Outer Ring Road, Nairobi on 18th March 2006, and a report was made at the Kariobangi Police Station. He was referred to the Missionaries of Charity Home, Huruma. The children's court later committed him to the institution. He was placed with the applicants on 31st July 2009 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 Society by their certificate of 14th July 2009.

To facilitate this adoption, the applicants have been assessed by the Director of Children Services and the guardian *ad litem*, J.W.M. These two have compiled and filed their reports in court, dated 15th October 2012 and 8th November 2012. There is also a report by the Kenya Children's Home Adoption Society dated 15th May 2012. 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 his parents. I also note that the applicants have four biological 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 have been met. I will allow the applicants' application to adopt the child. The applicants, O.W.W and A.W.M, are hereby allowed to adopt the child, R.G. He shall hereafter be known as R.W.W. J.W.M is hereby appointed the legal gurdian of the child in the event of any misfortune. 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