

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 133 of 2004

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF M.M (MINOR)

JUDGEMENT

The applicants, M.S.K.M and A.W.K, are Kenyan citizens. They are married. M.M, the subject of these adoption proceedings is an abandoned child. She was found abandoned by K.N in the O.R area of Kajiado County on 30th November 2001, and a report was made at the O.R Police Station. She was released to an institution, the New Life Mission Samaritan Children Home. She was placed with the applicants on 28th October 2003 and has been with them to date. Police records indicate that she has not so far been claimed by anyone. Consequently, she was freed for adoption by the Child Welfare Society of Kenya adoption agency by their letter and certificate of 9th July 2008.

To facilitate this adoption, the applicants have been assessed by the guardian *ad litem*, E.M.K and the Director of Children Services. These two have compiled and filed their reports in court, dated 28th July 2009 and 24th December 2009. There is also a report by the Child Welfare Society of Kenya adoption agency dated 9th July 2008. 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 she considers them to be her 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, M.S.K.M and A.W.K, are hereby allowed to adopt the child, M.M. He shall hereafter be known as C.M.K. M.W.K shall be her legal guardians in the event of the untoward happening 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 9th DAY OF May, 2013.

W. M. MUSYOKA

JUDGE