



Case Number:	Adoption Cause 178 of 2013 (OS)
Date Delivered:	19 Dec 2014
Case Class:	Civil
Court:	High Court at Nairobi (Milimani Law Courts)
Case Action:	Judgment
Judge:	William Musya Musyoka
Citation:	In re G (Minor) [2014] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Family
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	Application allowed
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MILIMANI**

**ADOPTION CAUSE NO. 178 OF 2013 (OS)**

**AND**

**IN THE MATTER OF THE CHILDREN'S ACT**

**(NO. 8 OF 2001)**

**AND**

**IN THE MATTER OF G also known as J K, A MINOR**

**JUDGEMENT**

1. The applicants, B W K and S W K, are Kenyan citizens. They are a married couple. They seek to adopt the male child G also known as J K. Their originating summons is dated 6<sup>th</sup> August 2013.

2. The child in question was born at the Kenyatta National Hospital on 2<sup>nd</sup> January 2005, and abandoned at the hospital by his birth mother. The matter was reported at the Kenyatta Police Post on 13<sup>th</sup> August 2005. The child was referred to the Happy Life Children's Home for care and protection. He was later committed to the institution by the Nairobi Children's Court, and it is from there that he was placed with the applicants on 4<sup>th</sup> December 2012. The police were not able to trace the biological parents of the child, and nobody has come forward to claim him.

3. The child was freed for adoption by the Kenya Children's Homes adoption society by their declaration 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*, F N W. The three have compiled and filed their reports in court. That of the Director of Children Services is dated 13<sup>th</sup> August 2014, while that of the guardian *ad litem* is dated 3<sup>rd</sup> October 2014. The report by the Kenya Children's Homes is dated 3<sup>rd</sup> September 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 himself appears to have bonded well with them and he considers them to be his parents.

6. In the opinion of this court it would be in the best interests of the child that he 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.

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, B W K and S W K, are hereby allowed to adopt the child G who shall hereafter be known J K W;

b. That the said child is hereby declared Kenyan by birth as he was born within Kenya by a known Kenyan mother;

c. That P N N 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 19<sup>th</sup> DAY OF December 2014.**

**W. MUSYOKA**



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