

KENYA / JUDGMENT

In the Matter of Baby B [2014] KEHC 7688 (KLR)

[2014] KEHC 7688 (KLR)

COURT

High Court

CASE / FILE NUMBER

Adoption Cause 180 of 2012

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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

ADOPTION CAUSE NO. 180 OF 2012 (OS)

AND

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER OF BABY B)

JUDGEMENT

The applicants, F M M and S N M, are a married couple who are citizens Kenya. They have filed the Originating Summons dated 28th August 2012 seeking the court's permission to adopt the Kenyan female child known for the purpose of these proceedings as Baby Blessing.

Baby Blessing, the subject of these adoption proceedings, is an orphan. She was born on 9th June 2005 and abandoned by her birth mother at Umoja Innercore Estate beside the road. Matter was reported at the Buru Buru Police Station. She was thereafter referred to the Missionaries of Charity Children's Home. She was later formally committed to that home by the Children's Court. She was placed with the applicants on 26th November 2006.

This adoption process is being arranged by the Kenya Children's Home adoption agency, which freed the child for adoption purposes on 16th May 2007 and issued a certificate of even date to that effect.

To facilitate the adoption the applicants have been assessed by the Director of the Children's Services and the guardian ad litem, C K M. These two have compiled and filed their reports in court dated 27th August 2013 and 24th September 2013, respectively. 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 the applicants and she considers them to be her parents.

The opinion of this court it would be in the interests of the child that the child the subject of these proceedings 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 will be required to execute an undertaking that they 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 applicants 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 local adoption have been met. The applicants, F M M and S N M, are hereby allowed to adopt the child, Baby B, to be known hereafter as B N M. I also hereby appoint S N M legal guardian of the child should anything untoward happen to the applicants. The Registrar-General is directed to enter this adoption order in the adoption register. The guardian ad litem is hereby discharged.

The child was found abandoned in Nairobi. She is therefore Kenyan by birth, and is entitled to all the rights that accrue to Kenyan citizens by virtue of the provisions of the Constitution of Kenya 2010 and the Kenya Citizenship and Immigration Act.

DATED, SIGNED and DELIVERED at NAIROBI this 14th DAY OF March, 2014.

W. MUSYOKA

JUDGE

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