

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 184 OF 2014

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY A

S W BAPPLICANT

J U D G M E N T

The applicant, S W B is a sole female applicant. She is employed as an assistant supply chain administrator by the *[particulars withheld]*. The applicant has not been married. She wishes to adopt a child. The child, Baby A was prematurely born on 26th July 2013 at Mbagathi District Hospital, Nairobi and was admitted at the hospital's new born unit. The child was abandoned by her mother two days later when she absconded from the hospital. A report of the abandonment was made to Kenyatta Police Post on 31st July 2013. The child was discharged from the hospital and taken to Thomas Barnardo House on 6th September 2013 for care and protection. She was committed by the Nairobi Children's Court to the custody and care of the said children's home on 13th November 2013 pending formal adoption proceedings. The applicant was given custody of the child for mandatory foster care on 25th March 2014 pending adoption pursuant to a foster care agreement. Since then, the child has been under the continuous custody and care of the applicant.

Prior to the hearing of the adoption, the adoption society, Kenya Children's Home, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 12th March 2014. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, April M N K, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicant to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents of the child has been dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. This court is satisfied that the applicant is qualified and able to take care of the child. The home visits by the guardian ad litem, the Adoption Society and the Director of the Children Services established that the applicant has the financial and emotional capability to provide for the upkeep and education of the child. This court observed the applicant with the child in court. It was evident that in the period that the applicant has had the custody of the child, the child has bonded well with her. The child considers the applicant her parent.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicant. I allow the application for adoption. The applicant, S W B, is hereby allowed to adopt Baby A. She shall henceforth be known as A I K B. Her date of birth shall be 26th July 2013. Her place of birth shall be Mbagathi District Hospital, Nairobi- Kenya. She is presumed to be a citizen of Kenya by birth. R N B and V N O O, the sister and brother-in-law respectively of the applicant, shall be the legal guardians of the child should such eventuality arise. I direct the Registrar General to enter this order in the adoption register. I hereby discharge the guardian ad litem. It is so ordered.

DATED AT NAIROBI THIS 30th DAY OF JANUARY, 2015

M. MUIGAI

JUDGE

In the Presence of;

Mr. Kiguatha for the Applicant