

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 283 OF 2012

IN THE MATTER OF THE CHILDRENS ACT, 2001

AND

IN THE MATTER OF BABY A *alias* A O J (MINOR)

E N W.....1ST APPLICANT

E N N..2ND APPLICANT

J U D G M E N T

The applicants, E N W and E N N, are husband and wife. They were married on 13th August 1988. The 1st applicant is a retired church minister while the 2nd applicant is a nurse. The Applicants have so far not been blessed with any children due to medical reasons. They have applied to this court to be allowed to adopt baby A *alias* A O J (the child). The child was born on 4th November 1999. She is the daughter of A O J. The child's biological father's name is given as O J. The biological mother gave the child for adoption at birth through Child Welfare Society of Kenya adoption society citing her single status and inability to raise the child. The child was handed over to Mama Ngina Children's Home. The child was placed under the custody and care of the applicants by the said children's home on 16th December 1999. Since then, the child has been under the custody of the applicants.

Prior to the hearing of the adoption, the Child Welfare Society of Kenya, an adoption society, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 17th August 2012. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, E K J, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological mother of the child has been obtained. This court is satisfied that the applicants are 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 applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed that the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants her parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants' application for adoption. The applicants, E N W and E N N, are hereby allowed to adopt Baby A *alias* A O J. Henceforth the child shall be known as Y N W. Her date of birth shall be 4^h November 1999. Her place of birth shall be Nairobi - Kenya. J M W, a brother of the 1st applicant shall be the legal guardian 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 28TH DAY OF FEBRUARY, 2014

L. KIMARU

JUDGE