



**REPUBLIC OF KENYA**

**HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 224 OF 2012**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY J T**

**S M N.....1<sup>ST</sup> APPLICANT**

**W W I.....2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

The applicants, S M N and W W I, are husband and wife. They were married under customary law in 1996 but formalized their marriage on 2<sup>nd</sup> October 2011. They are business people. The applicants have so far not been blessed with any biological children of their own. They wish to adopt a child. They have applied to this court to be allowed to adopt baby J T (the child). The child was presumed to have been born on 29<sup>th</sup> January 2011. She was found abandoned at *[particulars withheld]* Village within Kawangware area in Nairobi. A report was made on the same day to Riruta Police Station. The Dagorreti Children's Office was informed of the incident and managed to secure home placement for the child at Abandoned Baby Centre where the child was taken for care and protection. The Nairobi Children's Court committed the custody and care of the child to the said Children's Home on 11<sup>th</sup> March 2011 pending formal adoption proceedings. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement which was signed on 12<sup>th</sup> March 2012. They took custody of the child on the same day. Since then, the child has been in the custody and care of the applicants. The child was declared free for adoption by Kenya Children's Home, an adoption society on 11<sup>th</sup> October 2011. A certificate to that effect was issued.

Prior to the hearing of the adoption, the Adoption Society, Little Angels Network, prepared a report which is filed in court. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, C W G, 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 pertaining to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. 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 his 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, S M N and W W I, are hereby allowed to adopt Baby J T. Henceforth, the child shall be known as M W M. His date of birth shall be 29<sup>th</sup> January 2011. Her place of birth shall be Kawangware Nairobi. She is presumed to have been born in Kenya. S M and J W, family friends of the applicants, 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 28<sup>TH</sup> DAY OF MARCH, 2014**

**L. KIMARU**

**JUDGE**