



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 57 OF 2013**

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

**AND**

**IN THE MATTER OF BABY S W G alias S N (MINOR)**

**R O O.....1<sup>ST</sup> APPLICANT**

**B J O.. .....2<sup>ND</sup> APPLICANT**

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

The applicants, R O O and B J O, are husband and wife. They were married on 2<sup>nd</sup> December 2006. The 1<sup>st</sup> applicant is a banker while the 2<sup>nd</sup> applicant is an engineer. The Applicants have been blessed with one biological child, a girl born on 23<sup>rd</sup> August 2013. They have applied to this court to be allowed to adopt baby S W G alias S N (the child). The child was born on 1<sup>st</sup> April 2012 in Nyeri. She is the daughter of P W M. The child's father is said to have denied paternity. The biological mother gave the child for adoption at birth through Little Angels Network, an adoption society on 19<sup>th</sup> July 2012. She cited her single status and inability to raise the child as the reason she was offering the child for adoption. The child was handed over to New Life Home Trust- Nyeri on 19<sup>th</sup> July 2012. She was on 21<sup>st</sup> July 2012 transferred to New Life Home Trust- Nairobi. The child was committed by the Nairobi Children's Court to the custody of the said Children's Home on 12<sup>th</sup> October 2012 pending formal adoption proceedings. The applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 22<sup>nd</sup> November 2012. They took custody of the child on the same date. Since then, the child has been under the custody of the applicants.

Prior to the hearing of the adoption, the adoption society Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 21<sup>st</sup> November 2012. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, N W M, 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, R O O and B J O, are hereby allowed to adopt Baby S W G alias S N. Henceforth the child shall be known as A A C O. Her date of birth shall be 1<sup>st</sup> April 2012. Her place of birth shall be Nyeri, Kenya. She is presumed to be a Kenyan. W O and S A O O, the brother and sister in- law of the 1<sup>st</sup> 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 28<sup>TH</sup> DAY OF MARCH, 2014**

**L. KIMARU**

**JUDGE**