

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 199 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY S K *alias* BABY S A– MINOR

E E.....APPLICANT

J U D G M E N T

The applicant, E E is a sole female applicant. She is a Tour Consultant in Nairobi. She is not married. The Applicant has not been blessed with any biological children. She wishes to adopt the child. The child, Baby S K *alias* Baby S A was presumed to have been born on 2nd June 2011. She was found abandoned at Kisumu East District Hospital. The child was admitted to the hospital’s paediatric ward for care and treatment. A report of the abandonment was made to Kisumu Police Station. The Kisumu Children’s Office was informed of the incident and managed to secure a temporary placement for the child at New Life Home Trust. She was committed by the Winam Children’s Court to the custody of the said Children’s Home on 3rd August 2011 pending formal adoption proceedings. The Applicant was given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement which was signed on 26th January 2012. She took custody of the child on the same day. Since then, the child has been in continuous custody and care of the Applicant. Little Angels Network, an Adoption Society issued a certificate declaring the child free for adoption. The certificate is dated 25th January 2012.

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 has also prepared a report which is on record. The guardian ad litem, M O, 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 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 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 that 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 them. 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, E E, is hereby allowed to adopt Baby S K *alias* Baby S A. She shall henceforth be known as S G A E. Her date of birth shall be 2nd June 2011. Her place of birth shall be Kisumu, Kenya. She is presumed to have been born in Kenya. C B Ei, a brother of the 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 MARCH, 2014

L. KIMARU

JUDGE