



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 235 OF 2012**

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

**AND**

**IN THE MATTER OF BABY M *alias* D I**

**L W K .....APPLICANT**

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

The applicant, L W K is a sole female applicant. She is employed as an administrator in Nairobi. She has not been married. The applicant has not been blessed with any biological children. She wishes to adopt a child, in this case Baby M *alias* D I. The child, Baby M *alias* D I was presumed to have been born on 10<sup>th</sup> February 2009. She was found abandoned on 12<sup>th</sup> February 2009 at Riruta Satellite area in Nairobi. She was rescued and taken to Kenyatta National Hospital for treatment. The matter was reported to Riruta Police Station on the same day. The child was admitted to Imani Children's Home for care and protection. She was committed by the Nairobi Children's Court to the custody of the said children's home on 1<sup>st</sup> September 2010 pending formal adoption proceedings. The applicant was given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 22<sup>nd</sup> September 2010. Since then, the child has been in continuous custody and care of the applicant.

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 5<sup>th</sup> May 2012. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, A M M, 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 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 the applicant with the child in court. It was evident that in the period 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, L W K is hereby allowed to adopt Baby M *alias* D I. She shall henceforth be known as V W K. Her date of birth shall be 10<sup>th</sup> February 2009. Her place of birth shall be Nairobi- Kenya. She is presumed to have been born in Kenya. E N K, a sister 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 9<sup>TH</sup> DAY OF APRIL, 2014**

**L. KIMARU**

**JUDGE**