

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 196 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY M W - MINOR

C K OAPPLICANT

JUDGMENT

The applicant, C K O, is a sole female applicant. She is a Civil Engineer. She is divorced. The applicant has not been blessed with children of her own due to medical reasons. She wishes to adopt a child. She has applied to this court to be allowed to adopt baby M W (the child). The child was presumed to have been born on 5th September 2011. She was on 5th December 2011 found abandoned at Karuri Health Centre in Kiambu District. She was about three (3) months old at the time. A report was made on the same day to Karuri Police Station. Thereafter, the child was released to the custody of Nest Children's Home. She was committed by the Kiambu Children's Court to the custody of the said children's home on 21st February 2012 pending formal adoption proceedings. The child was placed under the custody and care of the applicant by the said children's home on 27th June 2012 for compulsory foster care. Since then, the child has been under the care and custody of the applicant.

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 20th June 2012. The Director of Children's Services prepared a report which is on record. The guardian ad litem, J N K, 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 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, C K O, is hereby allowed to adopt Baby M W. She shall henceforth be known as E G N O. Her date of birth shall be 5th September 2011. Her place of birth shall be Kiambu, Kenya. She is presumed to be a Kenyan citizen by birth. S M B and S G O B, brother in-law and sister of the 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 27TH DAY OF JUNE, 2014.

L. KIMARU

JUDGE