

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 234 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY L K- MINOR

S K M.....1ST APPLICANT

D W N.....2ND APPLICANT

J U D G M E N T

The applicants, S K M and D W N, are husband and wife. They were married on 23rd August 2008. The 1st Applicant is a Taxi Driver while the 2nd Applicant is employed as a Manager at *[particulars withheld]* in Wangige, Kiambu. The Applicants have not been blessed with children of their own due to medical reasons. They wish to adopt a child. They have applied to this court to be allowed to adopt baby L K (the child). The child was presumed to have been born on 28th August 2011. She was found abandoned in a pit latrine in Kiawara Slums in Nyeri town on 29th August 2011. A report was made on the same day to Nyeri Police Station. She was taken to Nyeri Provincial General Hospital for temporary care and protection. The Nyeri Children's Office was informed of the incident and managed to secure a temporary home placement for the child at New Life Home Trust- Nyeri. The Child was committed by the Nyeri Children's Court to the custody of the said Children's Home on 5th October 2011 pending formal adoption proceedings. She was on 6th October 2011 transferred to New Life Home Trust- Nairobi. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 19th March 2012. They took custody of the child on the same day. Since then, the child has been in the continuous custody and care 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 7th March 2012. The Director of Children's Services 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 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, S K M and D W N, are hereby allowed to adopt Baby L K. Henceforth, the child shall be known as P L W K. Her date of birth shall be 28th August 2011. Her Place of birth shall be K, N-K. She is presumed to be a Kenyan citizen by birth. T N M, a cousin of the 1st 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 26TH DAY OF JUNE, 2014

L. KIMARU

JUDGE