

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 300 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY J J M- MINOR

A N T.....APPLICANT

J U D G M E N T

The applicant, A N T is a sole female applicant. She is self employed as a Consultant in Community Health. She has no biological children of her own. The Applicant wishes to adopt a child. The child, Baby J J M was presumed to have been born on 15th July 2005. She was found abandoned at Kabete N.I.T.D shopping centre within Kiambu District on 12th August 2006. A report was made to Kabete Police Station on the same day. She was taken to Nairobi Children's Home for care and protection on 19th August 2006. She remained there until 14th June 2007 when she was transferred to Vijiji Home of Light. She was committed by the Kikuyu Children's Court to the custody of the said children's home on 26th June 2012 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 21st January 2013. Since then, the child has been under the 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 1st November 2013. The Director of Children's Services prepared a report which is on record. The guardian ad litem, S W 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 relating to the adoption of the child. The consent of the biological parents of the child was dispensed with since the child was abandoned. 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, A N T, is hereby allowed to adopt Baby J J M. She shall henceforth be known as J W T. Her date of birth shall be 15th July 2005. Her place of birth shall be Kabete, Kiambu District. She is presumed to be a Kenyan citizen by birth. S W K, a friend 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. It is so ordered.

DATED AT NAIROBI THIS 31ST DAY OF JULY, 2014

L. KIMARU

JUDG