

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 96 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY D- MINOR

F A JAPPLICANT

J U D G M E N T

The applicant, F A J is a sole female applicant. She is a businesswoman. The applicant has not been married. She wishes to adopt a child, in this case Baby Daisy. The child, Baby Daisy was found abandoned on 28th August 2008 at Kenyatta National Hospital. It was presumed that the child was born on the same day. A report was made to Kenyatta Police Post on 21st September 2008. The Nairobi Children's Office was informed of the incident and managed to secure a temporary home placement for the child at Thomas Barnado House where the child was admitted on 8th October 2008. The Children's Court, Nairobi committed the custody of the child to the said Children's Home on 28th November 2008 pending formal adoption proceedings. The applicant was given custody of the child for madatory foster care pending adoption pursuant to a foster care agreement signed on 7th August 2009. She took custody of the child on the same day. Since then, the child has been under the continuous custody and care of the applicant. The child was declared free for adoption by Kenya Children's Home, an Adoption Society, on 12th May 2009. A certificate to that effect was issued.

Prior to the hearing of the adoption, the Kenya Children's Homes, an adoption society 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, F 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 relating to the adoption of the child. The consent of the biological parents of the child has been dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. 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, F A J, is hereby allowed to adopt Baby Daisy. She shall henceforth be known as J S J. Her date of birth shall be 28th August 2008. Her place of birth shall be Kenyatta National Hospital. She is presumed to be a Kenyan citizen by birth. T A O J, 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 25TH DAY OF JULY, 2014

L. KIMARU

JUDGE