

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 98 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY P E N ALIAS P N ALIAS E M

V W M.....APPLICANT

J U D G M E N T

The applicant, V W M is a sole female applicant. She is a businesswoman. The applicant has not been married. She wishes to adopt a child. The child, Baby P E N alias P N alias E M was born on 12th July 2010 at the roadside at Satellite within the city of Nairobi. She was taken to Kenyatta National Hospital for temporary care and protection. The child was abandoned by her mother on 28th July 2010 when she absconded from the hospital. A report of the abandonment was made to Kenyatta Police Post on the same day. The child was discharged from the hospital and taken 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 27th July 2011 pending formal adoption proceedings. The applicant was given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement that was signed on 6th June 2012. She took custody of the child on the same day. Since then, the child has been in the continuous custody and care 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 has also prepared a report which is on record. The guardian ad litem, A G, 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 applicants 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, V W M, is hereby allowed to adopt Baby P E N alias P N alias E M. She shall henceforth be known as N N. Her date of birth shall be 12th July 2010. Her place of birth shall be Nairobi, Kenya. She is presumed to be a Kenyan citizen by birth. H K M and R N M, the brother and sister in law 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 25TH DAY OF JULY, 2014

L. KIMARU

JUDGE