

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 45 OF 2014

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY J P D

S O O.....1ST APPLICANT

M K.....2ND APPLICANT

J U D G M E N T

The applicants, S O O and M K, are husband and wife. They were married under Customary Law in March 2010. They formalized their marriage on 5th July 2013 when they were married at the Registrar's Office in Nairobi. The 1st Applicant is a technician employed with the *[particulars withheld]* while the 2nd Applicant is a business lady in Nairobi. The Applicants have so far not been blessed with any biological children of their own. They wish to adopt a child. They have applied to this court to be allowed to adopt baby J P D (the child). The child was born on 10th April 2013 at Waithaka Health Centre in Dagoretti, Nairobi. He is the son of F N G alias F N W. The biological mother of the child gave the child up for adoption through Little Angels Network, an adoption society on 11th April 2013. She alleged to have been raped and therefore did not wish to keep the child. The child was handed over to New Life Home Trust on the same day for care and protection. She was committed by the Nairobi Children's Court to the custody of the said children's home on 21st June 2013 pending formal adoption proceedings. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement which was signed on 1st August 2013. 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 31th July 2013. The Director of Children's Services prepared a report which is on record. The guardian ad litem, B W O, 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 mother of the child was obtained on 8th July 2013. 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 his 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 O O and M K, are hereby allowed to adopt Baby J P D. Henceforth, the child shall be known as J O O. His date of birth shall be 10th April 2013. His place of birth shall be Waithaka Health Centre, Dagoretti- Nairobi. He is presumed to be a Kenyan citizen by birth. L N K, a friend of the applicants, 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 31ST DAY OF OCTOBER, 2014

M. MUIGAI

JUDGE