



**REPUBLIC OF KENYA**

**HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 29 OF 2014**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY A alias A- MINOR**

**C W M .....APPLICANT**

**J U D G M E N T**

The applicant, C W M is a sole female applicant. She works with the *[particulars withheld]*, Somalia as a Program Officer based in Nairobi. She has never been married. The Applicant wishes to adopt a child. The child, Baby A alias A was born on 20th April 2013 at Jamma Hospital in Nairobi. She is the daughter of F A M and J K who are students in University. The biological parents of the child gave her up for adoption at birth through Kenya Children's Home Adoption Society on 22nd April 2013. They cited their unpreparedness to parent since they were students and their financial inability to raise the child as the reasons they were offering the child for adoption. The child was handed over to Thomas Barnardo House for care and protection. The Children's Court, Nairobi committed the custody of the child to the said children's home on 19th June 2013 pending these adoption proceedings. The child was placed under the custody of the applicant on 30<sup>th</sup> September 2013 for compulsory foster care. Since then, the child has been under the continuous custody of the applicant. The child was declared free for adoption by the Kenya Children's Homes, an adoption society on 14<sup>th</sup> August 2013.

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 prepared a report which is on record. The guardian ad litem, P G M, 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 obtained. 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 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, C W M, is hereby allowed to adopt Baby A alias A. She shall henceforth be known as I W M. Her date of birth shall be 20<sup>th</sup> April 2013. Her place of birth shall be Jamma Hospital in Nairobi, Kenya. She is presumed to be a Kenyan Citizen by birth. J W M, a cousin 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 31<sup>ST</sup> DAY OF OCTOBER, 2014**

Kanyi for the Applicant

**M. MUIGAI**

**JUDGE**