

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO. 318 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY L W

J W M.....APPLICANT

J U D G M E N T

The applicant, J W M is a sole female applicant. She is an Administration Manager employed with *[particulars withheld]*. The applicant has not been married. She however has a biological child, a boy, who is now an adult. She wishes to adopt a child, in this case Baby L W. The child, Baby L W, was presumed to have been born on 13th August 2008. She was found abandoned on 13th August 2008 at Ihwagi Tea Zone in Karatina by good samaritans. A report was made on the same day to Karatina Police Station. The child was then referred to Karatina District Hospital for care and treatment. The Nyeri children's office was informed of the incident and managed to secure a temporary home placement for the child at New Life Home Trust-Nyeri where the child was admitted on 30th October 2008 for care and protection. The Nyeri Children's Court committed the custody of the child to the said children's home pending formal adoption proceedings on 19th November 2008. The child was placed with the applicant on 8th January 2010 for mandatory bonding pending these proceedings. Since then, the child has been under the continuous care and custody of the applicant.

Prior to the hearing of the adoption, the adoption society, Kenya Children's Home, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 2nd November 2009. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, M K 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 has been dispensed with since the child was abandoned at birth. 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 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, J W M, is hereby allowed to adopt Baby L W. She shall henceforth be known as L N M. Her date of birth shall be 13th August 2008. Her place of birth shall be Ihwagi, Nyeri North District- Kenya. V W G, sister in law to 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 31ST DAY OF OCTOBER, 2014

M. MUIGAI

JUDGE