

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 147 OF 2014

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY M N M

P O O1ST APPLICANT

B A O2ND APPLICANT

J U D G M E N T

The applicants, P O O and B A O, are husband and wife. They were married under Customary Law in 2001. They formalized their marriage on 17th May 2013 when they were married at the Registrar's Office in Nairobi. The 1st Applicant is employed as an Information Technology Officer with *[particulars withheld]* Limited 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 due to medical reasons. They wish to adopt a child. They have applied to this court to be allowed to adopt baby M N M (the child). The child was born on 2nd June 2013 at Imani Health Services in Nairobi West. She is the daughter of E M N. Her biological father's name is given as S N. His whereabouts are unknown. The biological mother of the child gave the child up for adoption 3rd June 2013 on through Little Angels Network, an adoption society. She cited her single status and inability to raise the child as the reason she was offering the child for adoption. 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 1st November 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 5th December 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 4th December 2013. The Director of Children's Services prepared a report which is on record. The guardian ad litem, R A 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 6th September 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 her 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, P O O and B A O, are hereby allowed to adopt Baby M N M. Henceforth, the child shall be known as I V O. Her date of birth shall be 2nd June 2013. Her place of birth shall be Imani Health Services, Nairobi West. She is presumed to be a

Kenyan citizen by birth. M A E, a family 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