

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 81 OF 2014

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY S W *alias* S W K (MINOR

E.W.O.J.....1ST APPLICANT

J.W.M.....2ND APPLICANT

J U D G M E N T

The applicants, E W O J and J W M, are husband and wife. They were married on 13th September 2000. The 1st Applicant is a journalist working with Nation Media Group while the 2nd Applicant is a human resource officer currently employed with Unilever Kenya Limited. The applicants have been blessed with two (2) biological children, born on 15th January 1995 and 11th September 2005 respectively. They wish to adopt a child. They have applied to this court to be allowed to adopt baby S W *alias* S W K (the child). The child was born on 6th June 2011 at Pumwani Maternity Hospital, Nairobi. She is the daughter of S W K. The child's biological father's name is given as O O O. He is said to have denied paternity. The child's biological mother gave her up for adoption at birth through Child Welfare Society of Kenya citing her inability to raise a child being a student as the reason she was offering the child for adoption. The child was handed over to [Particulars Withheld] Home for care and protection. She was committed by the Nairobi Children's Court to the custody of the said Children's Home on 2nd July 2012 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 16th August 2012. 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 Child Welfare Society of Kenya, an adoption society, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 12th November 2013. The Director of Children's Services prepared a report which is on record. The guardian ad litem, J O J, 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 has been obtained on 15th July 2011. 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, E W O J and J W M, are hereby allowed to adopt Baby S W. Henceforth, the child shall be known as S N J. Her date of birth is 6th June 2011. Her place of birth is [Particulars Withheld] Hospital, Nairobi. She is presumed to be a Kenyan citizen by birth. J W M, a sister of the 2nd 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