

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 92 OF 2014

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY K R- MINOR

A M M.....1ST APPLICANT

M M N2ND APPLICANT

J U D G M E N T

The applicants, A M M and M M N, are husband and wife. They were married on 10th April 2010. They are business persons 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 K R (the child). The child was found abandoned on 14th October 2012 outside Molo Post Office. He was presumed to have been born on 8th October 2012. The matter was reported to Molo Police Station on the same day. She was taken to Molo District Hospital for care and treatment. The Molo District Children's Office was informed of the incident and managed to secure home placement for the child at New Life Home Trust- Nakuru where the child was admitted on 15th October 2012. The Children's Court, Molo committed the custody of the child to the said children's home on 15th October 2012 pending these adoption proceedings. She was transferred to New Life Home Trust- Nairobi on 17th October 2012. The child was placed under the custody of the applicants on 11th January 2013 for mandatory foster care. Since then, the child has been in the continuous custody and care of the applicants. The child was declared free for adoption on 29th May 2013 by KKPI Adoption Society. A certificate to that effect has been issued.

Prior to the hearing of the adoption, KKPI, an adoption society, prepared a report which is filed in court. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, F M, 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 parents of the child was dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. 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, A M M and M M N, are hereby allowed to adopt Baby K R. Henceforth, the child shall be known as D M M. Her date of birth shall be 8th October 2012. Her place of birth shall be Molo, Kenya. She is presumed to be a Kenyan citizen by birth. W M, a sister to the 1st 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