



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 19 OF 2014
IN THE MATTER OF ADOPTION OF J A (A minor)
And
IN THE MATTER OF THE APPLICATION FOR ADOPTION
BY
A E M & L C. W N M (JOINT APPLICANTS)

JUDGMENT

The applicants A E M and L C W N M are in a monogamous marriage which was solemnized at Mary Help of Christians, Don Bosco Upperhill in Nairobi on 24th July 1999. They have one child D N M through a previous adoption process. They wish to adopt the child known as J A, an infant of the male sex. A E M indicates his occupation as a businessman while L C W N M indicates that she is an administrator. They reside in Nairobi.

The child was abandoned by his mother on 22nd November 2012 at [particulars withheld]. The mother of the child was said to have brought the child to the hospital and left him in the care of a nurse as she went to the washroom. She did not return. The child was aged approximately three weeks at the time.

The matter was reported to Kajiado Central Police Station and the District Children's office Kajiado respectively. A letter from the then OCPD Kajiado confirming the report forms part of the bundle of papers filed with this application. The Children's Court of Kajiado committed the child to Mahali Pa Maisha for care and protection on 10th December 2012 through case No. 90 of 2012 Kajiado.

The child was released into the custody of the applicants for mandatory foster care pending adoption, pursuant to a foster care agreement signed on 19th September 2013. Since then the child has been in continuous custody and care of the applicants.

Prior to the hearing of the adoption application, Kenya Children's Home Adoption Society, an adoption society prepared and filed a report in court. They also issued a certificate dated 12th September 2013 declaring the child free for adoption. The Director of Children's Services also filed a report as did the guardian ad litem, M/s. M W C. Both reports were favourable and recommended the adoption of the child by the applicants.

This is a local adoption and from the record the Applicants have fulfilled all legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child was abandoned at three weeks and the parents could not be traced to give the consent.

The Adoption Society, guardian ad litem and the Director of Children's Services have all made home visits and established that the applicants are both financially and emotionally capable to provide for the up keep and education of the child. The child was in court during the hearing and appeared to have bonded well with the applicants. He considers them as his parents.

After a careful assessment of the reports filed herein and from the observation of the interaction of the Applicants and the child during the hearing, this court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants. The application is therefore allowed.

The Applicants A E M and L C W N M are hereby allowed to adopt baby **J A**. He shall henceforth be known as **A M**.

His date of birth shall be 16th November 2012 and the place of birth shall be Kajiado - Kenya. He is presumed to have been in Kenya. C W K, a family friend is hereby appointed legal guardian of the child should the need arise. I direct the Registrar General to enter this order in the Adoption Register and I hereby discharge the guardian ad litem.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **17th** day of **October 2014**.

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L. A. ACHODE

JUDGE