



**REPUBLIC OF KENYA**  
**HIGH COURT OF KENYA**  
**AT NAIROBI**  
**ADOPTION CAUSE NO. 165 OF 2014**  
**IN THE MATTER OF THE CHILDREN ACT, 2001**  
**AND**  
**IN THE MATTER OF BABY T A**  
**F A O.....APPLICANT**

**J U D G M E N T**

The applicant, F A O is a sole female applicant. She is a *[particulars withheld]* in public health. She has never been married. The Applicant wishes to adopt a child. The child, Baby T A is presumed to have been born on 19<sup>th</sup> May 2013. She was found abandoned within the compounds of Thiba dispensary on 20<sup>th</sup> May 2013. A report was made on the same day to Wanguru Police Station. She was taken to Kimbimbi Sub-District Hospital for care and treatment. The child was thereafter placed with New Life Home Trust, Nyeri for care and protection. She was committed by the Wanguru Children's Court to the custody of the said children's home on 21st June 2013 pending formal adoption proceedings. The child was later transferred to New Life Home Trust, Nairobi on 28th June 2013. The applicant was given custody of the child for mandatory foster care pending adoption pursuant to an foster care agreement which was signed on 6th January 2014. She took custody of the child on the same day. Since then, the child has been in the continuous custody and care of the applicant.

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 5<sup>th</sup> February 2014. The Director of Children's Services also prepared a report which is on record. The guardian ad litem, C A A, 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 was 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, F A O, is hereby allowed to adopt Baby T A. She shall henceforth be known as T J A. Her date of birth shall be 19<sup>th</sup> May 2013. Her place of birth shall be Kirinyaga South-Kenya. She is presumed to be a Kenyan citizen by birth. S K O and S R K, the brother and sister-in-law respectively to the applicant, shall be the legal guardians 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 24<sup>TH</sup> DAY OF NOVEMBER, 2014**

**M. MUIGAI**

**JUDGE**