



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 105 OF 2006**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY F M (MINOR)**

**E V ..... APPLICANT**

**JUDGMENT**

The applicant, E V is a sole female applicant. She is a civil servant. She has never been married. She does not have biological children of her own due to medical reasons. The applicant wishes to adopt a child. The child, Baby F M was found abandoned at Pumwani Maternity Hospital and was presumed to have been abandoned after delivery. The matter was reported to Shauri Moyo Police Station on 22<sup>nd</sup> December 2004. She was admitted at the African Growth Ministries Children's Home (Hope House Babies Home) for care and protection on 10<sup>th</sup> March 2005. The Nairobi Children's Court committed the custody of the said child to the said children's home on 27<sup>th</sup> October 2005 pending formal adoption proceedings. The applicant took custody of the child on 26<sup>th</sup> July 2005 for mandatory bonding pending the adoption. Since then, the child has been under the continuous custody and care of the applicant.

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 22<sup>nd</sup> January 2014. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, M C, 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, E V, is hereby allowed to adopt Baby F M. She shall henceforth be known as C K M. Her date of birth shall be 7<sup>th</sup> October 2004. Her place of birth shall be Pumwani Maternity Hospital- Nairobi. She is presumed to be a citizen of Kenya by birth. G M M, a brother to the 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 9<sup>TH</sup> DAY OF DECEMBER , 2014**

**M. MUIGAI**

**JUDGE**