

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 20 of 2010

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY M.W

**T.N.G.....1ST
APPLICANT**

**J.W.N.....2ND
PPPLICANT**

J U D G M E N T

The applicants, T.N.G and J.W.N, are husband and wife. They were married under customary law in 1997 but formalized their marriage on 7th September 2004. The 1st applicant is a medical doctor while the 2nd applicant is a teacher. The Applicants have been blessed with two (2) biological children aged thirteen (13) and eleven (11) years respectively. They however wish to adopt a child. They have applied to this court to be allowed to adopt baby M.W (the child). The child was born on 19th October 2005 at (Particulars withheld)Provincial General Hospital by one A.N. The child’s mother absconded from the hospital on the following day thus abandoning the child. The 1st applicant by then was working at the said hospital and came across the child. The abandonment was reported to (Particulars withheld) Police Station. The child was placed with (Particulars withheld) Children’s Home, (Particulars Branch). She was committed by the Machakos Children’s Court to the custody of the said Children’s Home on 28th August 2005 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 20th March 2007. They took custody of the child on the same day. Since then, the child has been in the custody and care of the applicants.

Prior to the hearing of the adoption, the Adoption Society, Child Welfare Society of Kenya, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 24th November 2009. The Director of Children’s Services prepared a report which is on record. The guardian ad litem, Dr. G.G, 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 capability to provide for the upkeep and education of the child. This court observed that 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, T.N.G and J.W.N, are hereby allowed to adopt Baby M.W. Henceforth, the child shall be known as N.N. Her date of birth shall be 19th

October 2005. P.W, a family friend of the applicants, 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 12th DAY OF APRIL, 2013

L. KIMARU

JUDGE