



REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 114 of 2011

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF S. B. (BABY)

P. K. N.....1ST APPLICANT

B. W. N2ND APPLICANT

J U D G M E N T

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The applicants, P. K. N. and B. W. N., are husband and wife. They were customarily married in 1989. They formalized the marriage on 20th June 2009 under the **African Christian Marriage and Divorce Act**. Both applicants are businesspersons. The applicants have been blessed with one biological child. They have been unable to get another child due to biological reasons. They wish to adopt a child. They have applied to this court to be allowed to adopt baby S. B. (the child). The child was on 8th October 2009 found abandoned along the railway line near the inland container depot. A report was made on the same day to Inland Port Police Station Nairobi. The child was admitted at Kenyatta National Hospital on the same day. He was discharged and committed to the custody of [information withheld] on 28th October 2009. The Children's Court Nairobi placed the custody of the child with the said children's home on 24th February 2010 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 May 2010. 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, 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 19th May 2010. The Director of Children's Services prepared a report which is on record. The guardian ad litem, P. M. K., 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 his 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, P. K. N. and B. W. N., are hereby allowed to adopt Baby S. B. Henceforth, the child shall be known as A. N. K. His date of birth shall be 8th October 2009. H. M., 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