



**REPUBLIC OF KENYA**

**High Court at Nairobi (Milimani Commercial Courts)**

**Adoption Cause 125 of 2011**

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

**AND**

**IN THE MATTER OF BABY P.I - MINOR**

**G.G.....1<sup>ST</sup> APPLICANT**

**W.G.....2<sup>ND</sup> APPLICANT**

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

The applicants, G.G and W.G, are husband and wife. They were married on 27<sup>th</sup> November 2004. The 1<sup>st</sup> applicant is a building contractor while the 2<sup>nd</sup> applicant is farmer. The applicants have not been blessed with biological children of their own due to biological reasons. They wish to adopt a child. They have applied to this court to be allowed to adopt baby P.I. The child was abandoned by her mother at Provide International Hospital on 10<sup>th</sup> July 2005 a day after he was born. A report was made on the same day to Kariobangi Police Post. The child was placed with Missionary of Charity Children's Home on 14<sup>th</sup> July 2005. She was committed by the Nairobi Children's Court to the custody of the said Children's Home on 3<sup>rd</sup> May 2006 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 27<sup>th</sup> January 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, Kenya Children's Home, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 12<sup>th</sup> January 2010. The Director of Children's Services prepared a report which is on record. The guardians ad litem, J.N.I and P.W.N, 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, G.G and W.G, are hereby

allowed to adopt Baby P.I. Henceforth, the child shall be known as P.I. His date of birth shall be 9<sup>th</sup> July 2005. J.N.I and P.W.N, the brother and sister-in law of the 1<sup>st</sup> 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 12<sup>th</sup> DAY OF APRIL, 2013**

**L. KIMARU**

**JUDGE**