

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.204 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF A - MINOR

B M M..... 1ST APPLICANT

C W M.....2ND APPLICANT

JUDGMENT

The applicants, B M M and C W M, are husband and wife. They were married on 18th November 2006. The 1st Applicant works as an Insurance Claims Supervisor with British American Insurance Company while the 2nd Applicant is employed as a Finance Manager. The Applicants have not been blessed with biological children of their own due to medical reasons. They wish to adopt a child. They have applied to this court to be allowed to adopt baby Andre (the child). The child was presumed to have been born on 15th of July 2010. He was abandoned at Pangani Shopping Centre on 16th October 2010. A report of the abandonment was made at Pangani Police Station on the same day. The child was taken to Missionaries of Charity Home Nairobi where he was admitted. On 27th May 2011, the Nairobi Children's Court committed the custody of the child to the said children's home 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 21st June 2012. 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 20th June 2012. The Director of Children's Services prepared a report which is on record. The guardian ad litem, St O, prepared a report which has also 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 soon after 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 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, B M M and C W M, are hereby allowed to adopt Baby A. Henceforth, the child shall be known as A M M. His date of birth shall be 15th of July 2010. M M M and M W M, the brother and sister in-law of the 2nd 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.

L. KIMARU

JUDGE

DATED, COUNTERSIGNED AND DELIVERED ON 27TH DAY OF JUNE 2013.

W. MUSYOKA

JUDGE