

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.22 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF L P aka M C O - MINOR

P A O.....APPLICANT

JUDGMENT

The applicant, P A O is a sole female applicant. She works as an Operations Manager with UNICEF. She is divorced. She was never blessed with biological children of her own during the subsistence of the marriage. However, the applicant and her then husband adopted a child, J I A O through this court. The said child is now six (6) years old. The Applicant wishes to adopt another child. The child, Baby L P was presumed to have been born on 1st November 2011. She was thrown into a pit latrine soon after birth. She was rescued and taken to Keroka District Hospital. A report was made to Keroka Police Station on the same day. The child was, on advice of Masaba North District Children Officer, was admitted at New Life Home Trust, Kisumu. The Children's Court Kisii committed the custody and care of the child to the said children's home pending formal adoption proceedings. The child was placed under the custody and care of the applicant by the said children's home on 15th October 2012. This was in fulfillment of the requirement that the applicant mandatorily bonds with the child before the commencement of the adoption proceedings. Since then, the child has been under the custody of the applicant. The child was declared free for adoption by KKPI, an Adoption Society, on 26th September 2012.

Prior to the hearing of the adoption, the KKPI Adoption Society, an adoption society prepared a report which is filed in court. The Director of Children's Services prepared a report which is on record. The guardian ad litem, F N M, also 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 applicant has proved her capability by the fact that she has already adopted another child and is taking good care of him. 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 capability to provide for the upkeep and education of the child. This court observed that 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 applicants 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, P A O, is hereby allowed to adopt Baby L P. She shall henceforth be known as M C O. A and M K, family friends of the 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.

L. KIMARU

JUDGE

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

W. MUSYOKA

JUDGE