

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.136 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY T W (MINOR)

J W K..... APPLICANT

J U D G M E N T

The applicant, J W K is a sole female applicant. She is employed as a Records Management Clerk with the Ministry of Information and Communication. She has never been married. The Applicant wishes to adopt a child. The child, Baby T W was presumed to have been born on 10th June 2006. She was abandoned in Elementaita area on 25th October 2007. A report was made to Central Police Station, Nakuru. The child was admitted to the St. Anne Children's Home Nakuru on 26th October 2007 for care and protection. She was committed to the custody of the said children's home by the Nakuru Children's Court on 16th January 2007. The child was placed under the custody of the applicant for mandatory foster care pending adoption on 21st April 2011. Since then, the child has been under the custody of the applicant. The child was declared free for adoption by Little Angels Network, an Adoption Society, on 16th February 2011.

Prior to the hearing of the adoption, Little Angels Network, 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, A C K, 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. Although the applicant suffers from a medical problem which has restricted her movement, this court is satisfied that the applicant qualifies to be considered as a suitable person to adopt the child. 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 about a year after her birth. They cannot be traced to give their consent. The applicant qualifies to adopt the child. 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 applicant 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, J W K, is hereby allowed to adopt Baby T W. She shall henceforth be known as P T N. P N K and J N N, the applicant's brother and his wife, 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