

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 94 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY C J *alias* E N N

A K.....1ST APPLICANT

C W G.....2ND APPLICANT

J U D G M E N T

The Applicants, A K and C W G, are husband and wife. They were married on 11th April 1998. The 1st Applicant is a Forex Manager with a security firm while the 2nd Applicant is a businesswoman. The Applicants have not been blessed with children of their own due to medical reasons. They have previously adopted another child. They wish to adopt the present child so that their adopted daughter can have a sister. They have applied to this court to be allowed to adopt baby C J *alias* E N N (the child). The child was on 10th July 2010 found abandoned at Thika Level 5 District Hospital and was presumed to have been born on 7th July 2010. A report was made to Thika Police Station on 24th August 2010. The child was placed with Love a Child Home for care and protection. She was committed by the Thika Children's Court to the custody of the said Children's Home on 29th September 2010 pending formal adoption proceedings. On 1st September 2011, Love a Child Home was closed and the child was transferred to New Life Home Trust- Nyeri on 5th September 2011. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 15th December 2011. 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 14th December 2011. The Director of Children's Services prepared a report which is on record. The guardian ad litem, P N K, prepared a report which has been filed in court. All the reports are favourable and recommends the proposed adoption. 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 and emotional capability and capacity 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, A K and C W G, are hereby allowed to adopt Baby C J alia E N N. Henceforth, the child shall be known as J N. His date of birth shall be 7th July 2010. Mr. G O O and Mrs. E M O, family friends of the applicants, 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 22ND DAY OF NOVEMBER, 2013

L. KIMARU

JUDGE