



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 223 OF 2012**

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

**AND**

**IN THE MATTER OF BABY G N alias G W W**

**J W G.....APPLICANT**

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

The applicant, J W G is a sole female applicant. She is a businesslady in Mukurweini. The applicant has not been married. She wishes to adopt a child, in this case Baby G N alias G W W. The child, Baby G N alias G W W was found abandoned 20<sup>th</sup> November 2010 at Pumwani Maternity Hospital, Nairobi. The child was presumed to have been born on the same day. The matter was reported at Shauri Moyo Police Station. The child was admitted to Abandoned Baby Centre for care and protection. The Nairobi Children's Court did place the custody of the child to the said children's home on 11th March 2011 pending formal adoption proceedings. The child was placed with the applicant on 15<sup>th</sup> March 2012 for mandatory bonding pending these proceedings. Since then, the child has been under the care and custody of the applicant. The child was declared free for adoption on 20<sup>th</sup> September 2011 by the Kenya Children's Home, an Adoption Society. A certificate to that effect has been issued.

Prior to the hearing of the adoption, the Kenya Children's Home, an adoption society prepared a report which is filed in court. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, M W M, 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 has been 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 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 G, is hereby allowed to adopt Baby G N alias G W W. She shall henceforth be known as G W W. Her date of birth shall be 20<sup>th</sup> November 2010. Her place of birth shall be Pumwani Maternity Hospital, Nairobi. M W M a friend of the 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.

**DATED AT NAIROBI THIS 22<sup>ND</sup> DAY OF NOVEMBER, 2013**

**L. KIMARU**

**JUDGE**