

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 281 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY P A

M N M..... APPLICANT

JUDGMENT

The applicant, M N M is a sole female applicant. She is a civil servant. She has never been married. She does not have biological children of her own. The Applicant wishes to adopt a child. The child, Baby P A was found abandoned on 25th May 2011 at Kiambu District Hospital. It was presumed that she was born on the same day. The matter was reported to Kiambu Police Station. She was admitted at In His Image Children's Home for care and protection. The Kiambu Children's Court committed the custody of the said child to the said children's home pending formal adoption proceedings. The applicant took custody of the child on 11th May 2012 for mandatory bonding pending the adoption. 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 25th July 2012.

Prior to the hearing of the adoption, KKPI, 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 A, 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 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, M N M, is hereby allowed to adopt Baby P A. Her date of birth shall be 25th May 2011. Her place of birth is Kiambu District Hospital, Kiambu Kenya. She shall henceforth be known as P A M. V N M, a cousin 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 22ND DAY OF NOVEMBER, 2013

L. KIMARU

JUDGEA