



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 44 OF 2012**

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

**AND**

**IN THE MATTER OF BABY S a.k.a H H O**

**J O O .....1<sup>ST</sup> APPLICANT**

**M A O .....2<sup>ND</sup> APPLICANT**

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

The applicants, J O O and M A O, are husband and wife. They were married on 6<sup>th</sup> June 2009. The 1<sup>st</sup> Applicant is an accountant while the 2<sup>nd</sup> Applicant is a lab technician. The Applicants have not been blessed with children of their own due to medical reasons. They wish to adopt a child. They have applied to this court to be allowed to adopt baby S a.k.a H H O (the child). The child was presumed to have been born on 17<sup>th</sup> August 2010. She was abandoned at the Machakos Country Bus terminus Nairobi. A report was made on the same day to Kamukunji Police Station. The child was placed with Missionaries of Charity Mother Teresa's Children's Home on the same day for care and protection. She was committed by the Nairobi Children's Court to the custody of the said Children's Home on 27<sup>th</sup> May 2011 pending formal adoption proceedings. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement which was signed on 27<sup>th</sup> June 2010. 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, KKPI, an Adoption Society, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 22<sup>th</sup> June 2011. The Director of Children's Services prepared a report which is on record. The guardian ad litem, B A O, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. 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. 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 capability to provide for the upkeep and education of the child. This court observed 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, J O O and M A O, are hereby allowed to adopt Baby S a.k.a Hope H O. Henceforth, the child shall be known as H H O. Her date of birth shall be 17<sup>th</sup> August 2010. Her place of birth shall be Nairobi, Kenya. H M K and his wife C G M, 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 22<sup>ND</sup> DAY OF NOVEMBER 2013

L. KIMARU

JUDGE