



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO. 226 OF 2011**

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

**AND**

**IN THE MATTER OF BABY D W**

**M N M.....1<sup>ST</sup> APPLICANT**

**R M N.....2<sup>ND</sup> APPLICANT**

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

The Applicants, M N M and R M N, are husband and wife. They were married on 31<sup>st</sup> August 1991. The 1<sup>st</sup> Applicant works at Kenya Shell Limited while the 2<sup>nd</sup> Applicant is a businesslady in Nairobi. The Applicants have been blessed with two biological (2) children of their own. They wish to adopt a child. They have applied to this court to be allowed to adopt baby D W (the child). The child was presumed to have been born on 11<sup>th</sup> December 2007. She was abandoned on the same day at the Rift Valley Provincial General Hospital in Nakuru. A report was made on the same day to Nakuru Central Police Station. The child was placed with St. Ann Children's Home on the same day for care and protection. She was committed by the Nakuru Children's Court to the custody of the said Children's Home on 22<sup>nd</sup> January 2008 pending formal adoption proceedings. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 7<sup>th</sup> May 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 20<sup>th</sup> April 2011. The Director of Children's Services prepared a report which is on record. The guardian ad litem, A B, prepared a report which has been filed in court. All the reports are favourable and recommend 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 shortly after 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 capability 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 her 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, M N M and R M N, are hereby allowed to adopt Baby D W. Henceforth, the child shall be known as J W N. Her date of birth shall be 11<sup>h</sup> December 2007. Her place of birth shall be Nakuru, Kenya. J K 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**