

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.112 OF 2011

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY G a.k.a S W

M W M..... APPLICANT

J U D G M E N T

The Applicant, M W M is a sole female applicant. She works as a banker in Nairobi. The Applicant has not been married. She wishes to adopt a child, in this case Baby G a.k.a S W. The child, Baby S W was presumed to be born on 28th August 2007. She was abandoned on the same day at Kibera Lindi, Nairobi. A report was made on the same day to Kenyatta Hospital Police Station. The child was placed with New Life Home Trust 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 7th December 2007 pending formal adoption proceedings. The Applicant was given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement which was signed on 24th December 2007. She took custody of the child on the same day. Since then, the child has been under the Applicant's care and custody. The child was declared free for adoption by Kenya Children's Home, an Adoption Society, on 14th May 2008. A certificate to that effect was 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 A 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 has been dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. 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 W M, is hereby allowed to adopt Baby G a.k.a S W. She shall henceforth be known as Z S M. S K M, a brother 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

JUDGE