

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 87 “B” OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY P K a.k.a P K

J A O APPLICANT

J U D G M E N T

The applicant, J A O is a sole female applicant. She works as a secretary with Kenya Pipeline Company Limited. She is divorced. She was blessed with three biological children of her own during the subsistence of her marriage. The Applicant wishes to adopt a child. The child, Baby P K a.k.a P K was presumed to have been born on 27th April 2002. She was given up to the Vihiga District Children's Office on 2nd May 2002 by her biological mother and her grandparents after being labelled a taboo child. She was allegedly born out of an incestuous relationship. The child was, on advice of Vihiga District Children Officer, admitted at New Life Home Trust. The Nairobi Children’s Court committed the custody and care of the child to the said children’s home pending formal adoption proceedings. The child was placed under the custody and care of the applicant by the said children’s home on 2nd August 2002. This was in fulfillment of the requirement that the applicant mandatorily bonds with the child before the commencement of the adoption proceedings. Since then, the child has been under the continuous custody of the applicant. The child was declared free for adoption on 31st May 2006 by Little Angels Network, an Adoption Society.

Prior to the hearing of the adoption, the Little Angels Network, an adoption society prepared a report which is filed in court. The Director of Children’s Services also prepared a report which is on record. The guardian ad litem, B O O, also 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 mother of the child to the proposed adoption was given on 30th September 2005. 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 A O, is hereby allowed to adopt Baby P K a.k.a P K. She shall henceforth be known as P F A. Her date of birth shall be 27th April 2002. Her place of birth shall be Vihiga, Kenya. E O O, a son 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 NAITOBI THIS 22ND DAY OF NOVEMBER 2013.

L. KIMARU

JUDGE