

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

ADOPTION CAUSE NO.6 OF 2010

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF A.W alias E. W – MINOR

F. O.B.....1ST APPLICANT

P. A. L.....2ND APPLICANT

JUDGMENT

The applicants are husband and wife. They filed an originating motion seeking to be allowed to adopt baby A.W also known as baby E.W. According to the pleadings filed, the child was born on 16th December, 2001. Upon her birth, she was abandoned by her mother, A.W at Naivasha District Hospital. The abandonment was reported to the Naivasha Police Station. The child's custody was handed to New Life Home Trust pending further direction of the court. On 6th February, 2002 the Children's Court at Naivasha granted interim custody of the child to New Life Home Trust, Nairobi pending formal application for adoption. The applicants took custody of the child for foster care on 11th August, 2003. Since then, the child has been in continuous custody of the applicants. At the commencement of these adoption proceedings, H.A.A was appointed to be the guardian ad litem. Upon her appointment as guardian ad litem, the court directed the Director of Children's Services to prepare a report in regard to the suitability of the applicants to be adoptive parents of the child. The Director of Children's Services prepared a report which is in the court's records. Little Angels Network, the adoption society also prepared a report which has been filed. The guardian ad litem's report is also filed. The court has considered the entire pleadings filed by the applicants. The court has also read the reports prepared pursuant to the orders of the court. This is a local adoption. The child was declared free for adoption by the adoption society on 3rd February, 2010. Since the mother of the child abandoned her at birth, the applicants were not able to trace her to secure her consent. The child has been under the wardship of the court from the time the Children's Court gave the child's custody to New Life Home Trust pending appropriate adoption proceedings. Clive Beckenham, the Director of New Life Home Trust has given consent for the applicants to adopt the child. In the reports filed in court, it was evident that in the period that the child has been in custody of the applicants, she has bonded well with them. The child is now about 9 years of age. She has been in the custody and care of the applicants since 2003. The reports prepared by the director of Children's Services, the adoption society and the guardian ad litem are all favourable. The applicants have fulfilled all the legal requirements to adopt the child. The applicants have the economic wherewithal to take care of the child. This court formed the opinion that the applicants have made an appropriate case to be allowed to adopt the child. This court observed the applicants in court with the child. The child has indeed bonded with the applicants. According to the reports filed in court, the other children of the applicants have accepted and consider the child as their sister. I will therefore allow the application for adoption.

F. O.B and P.A.L (the applicants) are hereby allowed to adopt baby A.W also known as baby E.W. Her date of birth shall be 16th December, 2001. The child shall be known as E.R.M.B. I direct the Registrar General to enter this order in the Adoption Register. The guardian ad litem is hereby discharged. It is so ordered.

DATED AT NAIROBI THIS 21ST DAY OF MAY, 2010

L. KIMARU

JUDGE