



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

Adoption Cause 149 of 2005 (O.S)

IN THE MATTER OF: THE CHILDREN ACT NO. 8 OF 2001

AND

IN THE MATTER OF: EJA – AN INFANT

AND

IN THE MATTER OF: BPM AND VM – APPLICANTS

JUDGMENT

The applicant BPM and VM prayed the court to grant them an order to adopt Baby EJA.

Prior to the hearing of the adoption application, the court appointed MWM, “a *Guardian ad Litem*” to the Baby during the adoption proceedings. She filed a comprehensive report in court, giving detailed information about the applicants as well as the Baby. The report recommended adoption saying, “**EJA has become part of their family and they feel that they are a positive role model. The family will provide a warm, loving and stable home to the child**”.

In court during the hearing, I interviewed both applicants. They have had Baby EJA in their custody for 2 years. She was only 4 months when they started fostering her and they find her, “**a bundle of joy**”.

BPM, the 1st applicant felt attracted to Baby EJA when he 1st saw her at New Life Home. He described her as ‘**a calm and peaceful and happy child**’.

The couple prayed God to give them a child they could bond with and they both said their prayer was answered when they identified this Baby and started fostering her, and named her J.

VM said the Baby has “**changed their lives in a positive way as they are happy and fulfilled, and look at life positively. They look forward to spending the rest of their lives with her**”.

The Director of Children’s Services prepared an investigative report on behalf of the applicants and the Baby. It is very detailed and given the history of the Baby, on page 6 thereof.

The applicants are of course, aware of this, but do not make it an issue as they love the Baby whom they have bonded with very well.

They both confirmed that in the event that they have their own biological children, this Baby will always be their first born.

Little Angels, a registered Adoption Society also prepared and filed a detailed home study report, and again issued a Certificate declaring the Baby, “**free for adoption**”.

Through my interview of the applicants and the reports filed on their behalf, I am satisfied that they have bonded with the child and have offered her a suitable home in which to grow.

The applicants are financially stable and will provide long term future.

I am convinced that the best interests of this child will be best served if I authorize the applicants to adopt her, and dispense with consent of the biological mother for the reasons on the record. I am therefore making an order authorizing BPM and VWM, to adopt EJA who from today henceforth will be known by the name **JMM**.

Finally, I direct the Registrar of Births to issue this Baby with a birth certificate in the names, **JMM**.

Dated at Nairobi this 13th day of July 2007.

JOYCE ALUOCH

JUDGE