

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 23 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY C

E.W.N.....APPLICANT

J U D G M E N T

The applicant, E.W.N, is a sole female applicant. She works as a front office cashier at the [particulars withheld]. She is divorced. The Applicant wishes to adopt a child. The child, Baby C was presumed to have been born on 13th February 2010. She was found abandoned near General Motors along Mombasa Road Nairobi on 13th May 2010. A report was made to Embakasi Police Station. The child was transferred to Kenyatta National Hospital and thereafter placed with Thomas Barnado House for care and protection. She was committed by the Nairobi Children's Court to the custody of the said children's home on 18th June 2010. The child was placed under the custody and care of the applicant by the said children's home on 10th January 2011. Since then, the child has been under the custody of the applicant. The child was declared free for adoption by the Kenya Children's Home, an Adoption Society, on 31st December 2010.

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 prepared a report which is on record. The guardian ad litem, J.W.G, 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 was dispensed with since the child was abandoned at birth. They cannot be traced to give their consent. 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 the fact that the applicant has the financial and emotional 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, E.W.N, is hereby allowed to adopt Baby C. She shall henceforth be known as M.C.N.W. Her date of birth shall be 13th February 2010. Her place of birth shall be Nairobi, Kenya. M.M.N, a sister 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 13TH DAY OF FEBRUARY, 2014

L. KIMARU

JUDGE