



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**ADOPTION CAUSE NO. 102 OF 2013**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY A M – MINOR**

**M C W M.....APPLICANT**

**JUDGMENT**

The Applicant, M C W M is a sole female applicant. She works as an Office Administration Manager at *[particulars withheld]* Limited. The Applicant is not married. She wishes to adopt a child, in this case Baby A M. The child, Baby A M was presumed to be born on 1<sup>st</sup> September 2011. She was abandoned on the same day at *[particulars withheld]* Hospital. A report was made on the same day to Tigon Police Station. The child was placed with In His Image Children's Home on 8<sup>th</sup> September 2011 for care and protection. She was committed by the Limuru Children's Court to the custody of the said Children's Home on 10<sup>th</sup> February 2012 pending formal adoption proceedings. The child was later transferred to New Life Home Trust and was committed by the same court to the custody of the said Children's Home. The Applicant was given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 9<sup>th</sup> May 2012. She took custody of the child on the same day. Since then, the child has been under the care and custody of the Applicant. The child was declared free for adoption by KKPI Adoption Society, on 29<sup>th</sup> August 2012. A certificate to that effect was issued.

Prior to the hearing of the adoption, KKPI, 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, J A W O, 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 Children Services established 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 applicant's application for adoption. The Applicant, M C W M, is hereby allowed to adopt Baby A M. She shall henceforth be known as A A W. A M and O W, a brother of the Applicant and his wife, 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 7<sup>th</sup> DAY OF FEBRUARY, 2014**

**L. KIMARU**

**JUDGE**