



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO. 52 OF 2013
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY J M

G W1ST APPLICANT

E T2ND APPLICANT

J U D G M E N T

The applicants, G W and E T are husband and wife. They were married on 4th April 2009. The 1st Applicant is a Product Manager at *[particulars withheld]* East Africa Limited while the 2nd Applicant is a business lady. The Applicants have not been blessed with children of their own due to medical reasons. They wish to adopt a child. They have applied to this court to be allowed to adopt baby J M (the child). The child was presumed to have been born on 2nd August 2011. She was abandoned at Thika District Hospital. A report was made on the same day to Thika Police Station. The child was placed with The Nest Children's Home on the same day for care and protection. She was committed by the Nairobi Children's Court to the custody of the said Children's Home on 21st December 2011 pending formal adoption proceedings. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement signed on 14th June 2012. They took custody of the child on the same day. Since then, the child has been in the custody and care of the applicants.

Prior to the hearing of the adoption, KKPI, an Adoption Society, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The Director of Children's Services prepared a report which is on record. The guardian ad litem, M N G, prepared a report which has been filed in court. All the reports are favourable and recommend that the court allows the applicants to adopt the child. I have evaluated the facts of this adoption. This is a local adoption. It is evident that the applicants have fulfilled all the legal requirements pertaining 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 applicants are 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 applicants have the financial and emotional capability to provide for the upkeep and education of the child. This court observed the applicants with the child in court. It was evident that in the period that the applicants have had the custody of the child, the child has bonded well with them. The child considers the applicants her parents.

This court formed the opinion that it would be in the best interest of the child to be adopted by the applicants. I allow the applicants' application for adoption. The applicants, G W and E T, are hereby

allowed to adopt Baby J M. Henceforth, the child shall be known as J N W. Her date of birth shall be 2nd August 2011. Her place of birth shall be Thika District Hospital, Thika, Kenya. D N K, a sister to the male 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 7TH DAY OF FEBRUARY 2014

L. KIMARU

JUDGE