

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 219 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY G N W - MINOR

P N N..... 1ST APPLICANT

M M K..... 2ND APPLICANT

J U D G M E N T

The applicants, P N N and M M K, are husband and wife. They were married on 6th September 1997. The 1st applicant is a businessman while the 2nd applicant is employed as a Field Supervisor with the City Council of Nairobi. The Applicants have not been blessed with biological 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 G N W (the child). The child was presumed to have been born on 31st December 2009. She was found abandoned in Nakuru on 31st December 2009. A report was made on the same day to Nakuru Police Station. The Nakuru Children's Office was informed of the incident and managed to secure home placement for the child at Africa Gospel Church Baby Centre where the child was placed for care and protection. The Nakuru Children's Court committed the custody and care of the child to the said children's home on 6th January 2011 pending formal adoption proceedings. The applicants were given custody of the child for mandatory foster care on 12th January 2012 pending adoption pursuant to a foster care agreement. They took custody of the child on the same date. Since then the child has been under the custody of the applicants.

Prior to the hearing of the adoption, the Kenya Children's Home, an adoption society, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 11th October 2011. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, J M 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 that 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, P N N and M M K, are hereby allowed to adopt Baby G N W. Henceforth the child shall be known as G N W N. Her date of birth shall be 31st December 2009. Her Place of birth shall be Nakuru, Kenya. D G W and B W, the brother and sister in-law to the 1st applicant shall be the legal guardians 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 MARCH, 2014

L. KIMARU

JUDGE