

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 84 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY A T

C W K..... APPLICANT

J U D G M E N T

The applicant, C W K is a sole female applicant. She is a Lawyer. She has never been married. The applicant has been blessed with one biological child. She however wishes to adopt a child. The child, Baby A T was presumed to have been born on 3rd May 2011. She was found abandoned on 3rd May 2011 at Kawangware- Kabiro area within Nairobi. A report was made on the same day to Muthangari Police Station. The child was placed with New Life Home Trust on 4th May 2011 for care and protection. She was committed by the Nairobi Children's Court to the custody of the said Children's Home on 6th July 2011. The applicant was given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement which was signed on 19th December 2011. She had however taken custody of the child on 24th September 2011. Since then, the child has been under the care and custody of the applicant. Little Angels Network, an Adoption Society issued a certificate declaring the child free for adoption. The certificate is dated 14th December 2011.

Prior to the hearing of the adoption, the Adoption Society, Little Angels Network, 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, H N 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 that the applicant has the financial 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 applicants 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, C W K, is hereby allowed to adopt Baby A T. She shall henceforth be known as A N K. Her date of birth shall be 3rd May 2011. Her place of birth shall be Nairobi, Kenya. XXX, the XXX 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 7TH DAY OF MARCH, 2014

L. KIMARU

JUDGE