

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO. 313 OF 2013

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY M H- MINOR

N M M.....APPLICANT

J U D G M E N T

The applicant, N M M is a sole female applicant. She is employed as a *[particulars withheld]*. She is divorced. The applicant wishes to adopt a child, in this case Baby M H. The child was on 18th June 2010 found abandoned near Butere Police Station (along B H S fence). It was presumed that the child was born on the same date. A report was made to Butere Police Station on the same day. She was taken to Butere District Hospital for temporary care and protection. The Butere Children's Office was informed of the incident and managed to secure temporary placement for the child at Rehema PEFA Children's Home. The Children's Court, Butere committed the custody and care of the child to the said children's home on 24th June 2010 pending formal adoption proceedings. The child was placed with the applicant on 13th January 2012 for mandatory bonding pending these proceedings. Since then, the child has been under the continuous care and custody of the applicant. The child was declared free for adoption on 14th December 2011 by Little Angels Network Adoption Society. A certificate to that effect has been issued.

Prior to the hearing of the adoption, the Little Angels Network, 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, M M N, 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. 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 and emotional capability to provide for the upkeep and education of the child. This court observed 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, N M M, is hereby allowed to adopt Baby M H. She shall henceforth be known as M N M. Her date of birth shall be 18th June 2010. Her place of birth shall be Butere- Kenya. She is presumed to be a citizen of Kenya by birth. C A M, a sister to 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 2ND DAY OF DECEMBER, 2014

M. MUIGAI

JUDGE

In the absence of petitioner/counsel