

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Adoption Cause 137 of 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY L

M.N.N.....1ST APPLICANT

J U D G M E N T

The applicant, Rebecca M.N.N is a sole female applicant. She works as an administrator at [PARTICULARS WITHHELD]. The applicant has not been married. She wishes to adopt a child, in this case Baby L. The child, Baby L was born on 15th May 2009. Her biological mother C.W.K gave up the child for adoption. She first signed the consent surrendering the child for adoption on 20th February 2009. She gave the final consent on 7th July 2009. Her reason for offering the child for adoption was her inability to take care of the child. The child was placed under the custody of the applicant in September 2009 when the child was three months old. Since then, the child has been under the care and custody of the applicant. The child was declared free for adoption by Kenya Children's Home, an Adoption Society, on 26th August 2009. A certificate to that effect was issued.

Prior to the hearing of the adoption, the Kenya Children's Home, 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, Redempta Wayua Maithya, 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 parent of the child has been obtained. This consent was confirmed by a further consent by the biological parent given about six weeks after the first consent was given. 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, M.N.N, is hereby allowed to adopt Baby L. She shall henceforth be known as J F W. M.N.N2, the aunt 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 4TH DAY OF APRIL, 2013

L. KIMARU

JUDGE