



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Adoption Cause 113 of 2012**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY J W - MINOR**

**P.G.K..... 1<sup>ST</sup> APPLICANT**

**N.N.K..... 2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

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The applicants, P.G.K and N.N.K, are husband and wife. They were married on 19<sup>th</sup> June 1993. The 1<sup>st</sup> applicant is a Lecturer at [particulars withheld] University while the 2<sup>nd</sup> applicant is a business lady. The Applicants have been blessed with one (1) child, a son. However, they have applied to this court to be allowed to adopt baby J W (the child). The child was born on 19<sup>th</sup> February 2010. She was found abandoned at Dagoretti Centre. A report was made to Dagoretti Police Post. The child was taken to Dagoretti Children's Centre for care. The Nairobi Children's Court committed the custody and care of the child to the said children's centre pending formal adoption proceedings. The applicants were given custody of the child for mandatory foster care on 4<sup>th</sup> October 2010 pending adoption pursuant to a foster care agreement.

Prior to the hearing of the adoption, the Adoption Society, Little Angels Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 25<sup>th</sup> May 2011. The Director of Children's Services has also prepared a report which is on record. The guardian ad litem, R.M.M , 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 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 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 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.G.K and N.N.K, are hereby

allowed to adopt Baby J W. Henceforth the child shall be known as N M K. N.N, the sister to the 2<sup>nd</sup> applicant shall be the legal guardian of the applicant 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 4<sup>TH</sup> DAY OF APRIL, 2013**

**L. KIMARU**

**JUDGE**

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