

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ADOPTION CAUSE NO.277 OF 2012

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY G M alias ABANDONED BABY B - MINOR

P M N.....1ST APPLICANT

N K M.....2ND APPLICANT

J U D G M E N T

The Applicants, P M N and N K M, are husband and wife. They were married on 11th August 2001. The 1st applicant is Teacher while the 2nd applicant is a Property Valuer. The Applicants have not been blessed with biological children of their own due to medical reasons. The Applicants have previously been allowed by this court to adopt another child. The adoption order was issued on 29th May 2009. They wish to adopt another child. They have applied to this court to be allowed to be allowed to adopt baby G M alias Abandoned Baby B (the child). The child was presumed to have been born on 8th June 2011. The child was found abandoned in Dagoretti Area of Nairobi on the same day. A report was made to Riruta Police Station. The child was admitted to the Abandoned Baby Centre. His custody and care was committed to the said children's home on 21st December 2011 by the Children's Court Nairobi pending further proceedings by this court. The Applicants were given custody of the child for mandatory foster care pending adoption pursuant to a foster care agreement which was signed on 24th February 2012. They took custody of the child on the same day. Since then, the child has been in continuous custody and care of the Applicants.

Prior to the hearing of the adoption, the Adoption Society, Little Angel Network, prepared a report which is filed in court. They also issued a certificate declaring the child free for adoption. The certificate is dated 25th January 2012. The Director of Children's Services prepared a report which is on record. The guardian ad litem, G W N, 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. They have proved their competence by the way they have taken good care of the child this court previously allowed them to adopt. The child is thriving under their care. 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 his 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 M N and N K M, are hereby allowed to adopt Baby G M alias Abandoned Baby B. Henceforth the child shall be known as F N M. His date of birth shall be 8th June 2011. His place of birth shall be Dagoretti, Nairobi. R W N, the sister of the 1st 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 1ST DAY OF NOVEMBER 2013

L. KIMARU

JUDGE