



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KIAMBU**

**ADOPTION CAUSE NO 28 OF 2018**

**IN THE MATTER OF THE CHILDREN ACT**

**IN THE MATTER OF ADOPTION APPLICATION OF BABY H aka CKN**

**BY**

**W N K.....1<sup>ST</sup> APPLICANT**

**AND**

**R W M.....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants herein are **WNK** (male Applicant) and **RWM** (female Applicant). They are a married couple aged 38 and 34 years respectively. They got married in 2009 and ascribe to the Christian faith. While the male Applicant is gainfully employed the female Applicant is a home maker. They own a home in **K. Estate, Thika**. They have due to biological complications been unable to sire children of their own.

2. The have applied to adopt **Baby H** a male minor who, from material on record was born on 22<sup>nd</sup> August 2017 and was found abandoned on the same date, at **Longisa village** in **Soy**, by a good Samaritan. A report was made to **Soy Police Station vide OB No. 22/15/09/2017** and the minor admitted to Moi Teaching and Referral Hospital before being admitted into the **Thomas Barnado House** as a child in need of care and protection. He was eventually committed to the home by an order of the Children Court at Eldoret in **Care and Protection Case No109 of 2017** .All efforts to trace his parents proved futile and nobody has come forward to claim him. On 20<sup>th</sup> June 2018 the adoption society, the Kenya Children’s Homes Adoption Society declared him free for adoption *vide* certificate **No. 1409** of even date. Pursuant to a placement agreement executed between **Thomas Barnardo House** and the Applicants on 31<sup>st</sup> July 2018, the minor was placed in the custody of the Applicants where he has remained to date.

3. The social enquiry report by the adoption agency and reports by the Children Officer, Kiambu and by the guardian *ad litem* confirm that the Applicants are in a stable marriage and are emotionally and financially capable of giving parental love and care to the subject. They reside in their own house and have a combined gross income of slightly over KSh.30,000/= per month. According to the Children Officer’s report, the subject minor has bonded well with the adoptive parents whom he refers to as “*dad*” and “*mum*”. The Applicants motivation for the adoption is to have a child of their own having been unable to get biological children. All the reports recommend the adoption.

4. In an application of this nature the court is obligated to uphold the best interests of the child – see Article 53 of the Constitution and Section 4(3) of the Children Act. It is my considered view, having considered all the material on record, and especially the social enquiry report and reports by the Children Officer and by the guardian *ad litem*, that indeed the proposed adoption would serve the best interest of the subject by giving him a home and parents capable of caring and providing for him.

5. The Applicants, based on material on record do qualify for a local adoption under the Children Act. In the circumstances, I grant prayers 1 to 6 of the Originating Summons filed on 3<sup>rd</sup> December 2018.

**SIGNED ON THIS 12<sup>TH</sup> DAY OF JUNE 2020 AND DELIVERED VIA eMAIL TO THE PARTIES ON 12<sup>TH</sup> DAY OF JUNE 2020**

**C. MEOLI**

**JUDGE**