

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CASE NO 24 OF 2018

IN THE MATTER OF ADOPTION OF BABY CI

BY

NSM & BMN.....APPLICANTS

J U D G M E N T

1. The Applicants herein are **NSM** (male Applicant) and **BMN** (female Applicant). They are aged 45 years and 44 years respectively and have been married since 1997 although they only solemnized the marriage in 2007. However, they have no children due to medical complications. While **NSM** works for an insurance firm, **BMN** is engaged in business. The couple ascribes to the Christian faith.

2. The Applicants live in their own home at **[particulars withheld]** Estate Thika. Between them they have a gross income of over KShs.400,000/= p.m. The Applicants desire to adopt **CI**, the male subject minor in this case. **CI** is presumed to have been born on 17th January 2016. Two days later on 19th January 2016 the mother abandoned him at a shop in Rhonda Estate Nakuru. The good Samaritan at the shop kept the child overnight but reported to police at Central Police Station the next day. The report was booked as OB No.XX of 20th January 2016. The child was admitted into Haven of Hope Baby Centre and subsequently committed thereto vide Nakuru Protection and Care Case No. 44 of 2016. In the meantime, efforts were being made to trace the parents of the child. The attempts were futile, and nobody had come forward to claim the subject as at April 2017. On 21st April 2017 Buckner Kenya Adoption Services declared the child free for adoption vide certificate No. [XXXX] and about a year later, on 7th March 2018 he was placed in the Applicants' care where he has remained to date.

3. The court has reviewed the reports filed by the guardian *ad litem* and the Children Officer Thika West/East Sub- county. It has also reviewed the social enquiry report by Buckner Kenya Adoption Services as well as other material on record. It is apparent that the Applicants are in a stable relationship and are emotionally and financially capable of caring for and providing for the subject minor as they have done since he was placed in their care. Their sole motivation is to fulfil the desire to have their own child. They have good social support networks in their respective extended families, who support the adoption. The Children Officer is of the view that the Applicants are well suited as candidates for adoption of the subject and recommends the adoption as being in the best interests of the minor.

4. For my part, upon reviewing the material on record in light of the provisions of Article 53 of the Constitution and Section 4 (3) of the Children Act, I am persuaded that the proposed adoption will serve the best interests of the subject minor. Moreover, the Applicants are eminently qualified for a local adoption under the Children Act. In the circumstances, I would allow the Originating Summons filed on 17th October, 2018 in terms of prayers 1 to 5.

DELIVERED AND SIGNED ELECTRONICALLY THIS 23RD DAY OF JULY 2020.

C. MEOLI

JUDGE