

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CASE NO 21 OF 2018

IN THE MATTER OF ADOPTION OF BABY JK.

BY

JBK & GNK.....APPLICANTS

J U D G M E N T

1. The Applicants herein are **JBK** (male Applicant) and **GNK** (female Applicant). They are aged 50 and 51 years respectively and married under Customary Law in 2011 and solemnizing the union in 2014. They ascribe to the Christian faith. They are both business people and own a home at [particulars withheld] in addition to having rental units which bring them extra income. The Applicants' income is over KShs.100,000 per month. They do not have children out of their union, but the male Applicant has a son aged 21 years who lives abroad.
2. The Applicants desire to adopt **JK** a male minor aged about ten years. **JK** was abandoned at the age of two years at Kenyatta National Hospital on 1st May 2012 by the alleged father **PK** who had taken him there for treatment. His mother is unknown. After a period of six months, the hospital reported the abandonment at Kenyatta Police Post *vide* OB No. [...] and subsequently **JK** was admitted to Happy Life Children's Home. By an order in Protection and Care Case No. 408 of 2012 the Children Court Nairobi committed **JK** to the home. **JK** remained at the home as efforts were made to trace his parents. The efforts were futile and on 22nd February 2017, Buckner Kenya Adoption Services declared him free for Adoption *vide* Certificate No. [...]. The subject minor was placed in the care of the Applicants in August 2012 and has remained in their care. The Applicants have another male child **EI** in their care since. The Applicants have also applied to adopt **EI** in Kiambu Adoption Cause No. 22 of 2018. **EI** is aged about 8 years.
3. The court has reviewed the social enquiry report by Buckner Kenya Adoption Services and the report by the guardian *ad litem* as well as the Juja Sub-County Children Officer. The court has also reviewed other material on record.
4. The Applicants appear to be in a stable and happy relationship. They are emotionally and financially secure and therefore able to provide for the subject minors despite their age. It appears that the subject minor has bonded well with the adoptive parents whose motivation for adoption is to have children of their own. Although the male Applicant had a previous child with a person whom he apparently did not get married to, the said child is an adult and lives abroad. The child was born while the male Applicant sojourned in a European country. The couple's extended families appear to be in favour of the adoption. According to the reports by the guardian *ad litem* and the Children Officer, the subject minor and **EI** have both bonded well with the adoptive parents and are happy. The Applicants have ably cared for them.
5. The court is obligated in considering an application of this nature to uphold the best interests of the child. See Article 53 of the Constitution and Section 4(3) of the Children Act. The proposed adoption has been recommended by the children officer as being in the subject minor's best interests, and the court upon reviewing all the material placed before it is equally persuaded. The child will benefit from the love and care of the Applicants who appear capable to so provide. He is already in school and adapted well to his adoptive sibling and parents herein.
6. On their part, the Applicants do qualify for a local adoption under the Children Act. In the circumstances the court will grant the Originating Summons filed on 17th October 2018 in terms of prayers 1 – 6.

DELIVERED AND SIGNED ELECTRONICALLY THIS 23RD DAY OF JULY 2020

C MEOLI

JUDGE