



**REPUBLIC OF KENYA**

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

**ADOPTION CASE NO 18 OF 2018**

**IN THE MATTER OF ADOPTION OF BABY GN**

**BY**

**WMCK.....APPLICANT**

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

1. The Applicant herein, **WMCK** is a single female aged 54 years old and a teacher by profession. She resides in Kikuyu, Kiambu. She has never married but has one adopted child, a female, **NNK** aged 16 years and in High School. The Applicant subscribes to the Christian faith.
2. The Applicant seeks to adopt **GN** a female child of 13 years. The child's presumed date of birth is 20<sup>th</sup> January 2006. She was abandoned as an infant by a well at [Particulars withheld], Vihiga County. Good Samaritans rescued her and took her to the local health centre and later reported to Seremi Police Station *vide* OB No. 17 of 21<sup>st</sup> January 2006. On 26<sup>th</sup> January 2006 the infant was admitted into New Life Home, Kisumu and later committed to the home *vide* the order in **SRM's Court Vihiga Protection and Care Case No. 4 of 2006**.
3. In February 2006 she was transferred to New Life Home, Nairobi. Efforts to trace her biological parents have proved futile and nobody has come forward to claim the subject. On 25<sup>th</sup> March 2009, the subject was declared free for adoption *vide* certificate No.[....] by Little Angels Network. The Applicant first interacted with the subject while volunteering at New Life Home Nairobi and in December 2012, she entered into a care agreement with the home to foster the subject who has since been in her care.
4. The court has reviewed the social enquiry report by the adoption agency as well as the reports filed by the guardian *ad litem* and by the County Children Officer. The reports indicate that the Applicant is a mature person and financially stable. She lives in her own two bedroomed bungalow with the two children. From reports on record she has bonded well with the subject minor and her adopted older daughter has consented to the adoption. She too has developed a warm sibling relationship with the subject minor.
5. The court did interview the subject minor. Although she apparently has cognitive challenges, she was able to express herself adequately, and to indicate her desire to be adopted into the Applicant's family. It would appear that the Applicant's training as an early childhood teacher and her experience as adoptive mother for **NNK** since 2002 has equipped her to take on the extra responsibility of caring for the subject, especially given the fact that the subject has a learning handicap. According to the academic progress report filed into court the subject was performing relatively well despite the handicap. It is evident that the Applicant's motivation for the adoption is altruistic even while she desires to expand her family.
6. In an application of this nature the court is under obligation to uphold the best interests of the child. See Article 53 of the Constitution and Section 4(3) of the Children Act. Reviewing all the material before me I am satisfied that the Applicant has satisfied all the requirements for a local adoption and that it will be in the best interests of the subject to allow the proposed adoption. In the circumstances, I hereby grant prayers 3 to 8 of the Originating Summons filed on 3<sup>rd</sup> October 2018.

**DELIVERED AND SIGNED ELECTRONICALLY THIS 23<sup>RD</sup> DAY OF JULY 2020.**

**C. MEOLI**

**JUDGE**