

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CASE NO 10 OF 2018

IN THE MATTER OF ADOPTION OF BABY LM

BY

LWN.....APPLICANT

J U D G M E N T

1. **LWN**, the Applicant herein is a female aged 50 years. She is a Kenyan, single and has never married. She works as a [particulars withheld] Officer with the National Social Security Fund. She resides at [particulars withheld] village Nyeri.

2. The Applicant has no other child of her own. The Applicant wishes to adopt baby **LM** a female, presumably born on 11th February 2016. According to material on record, the baby was abandoned near Gatundu Catholic Church on 16/2/16. The matter was reported by a good samaritan to Gatundu Police Station vide **OB No. 8 of 16th February 2016**. She was first referred to Gatundu level Four hospital for medical checkup and later placed in the New Life Home Trust. Her parents are unknown.

3. The child was subsequently committed to the home by an order made in **Gatundu Protection and Care Case No.12 of 2016**. Nobody has come forward to claim her. On 30th November 2016 she was declared free for adoption vide **Certificate No. [particulars withheld] by KKPI Adoption Society**, and through a foster care agreement recorded on 9th June 2017 the Subject minor was placed in the care of the Applicant where she has remained todate.

4. On record are the social enquiry report by **KKPI** and the County Director, Children Services, Nyeri. Also filed is a report by the guardian *ad litem*. The reports and material supplied by the Applicant herself confirm that the Applicant is financially and emotionally stable and capable of providing for the upkeep and education of the child.

5. Despite the error in the Children Officer's report in referring to the Subject as a male, the children officer who visited the Applicant's home noted that the Applicant and Subject have bonded well and that the child has thrived under her care. The report recommends the adoption. The guardian *ad litem*'s report and that by **KKPI** are also positive.

6. The Applicant's motivation for the adoption is to give a home to and to take parental responsibility for the Subject. The general consensus in all the reports is that the adoption is in the best interests of the child.

7. The court is obligated in considering an application of this nature to uphold the best interests of the child (see Article 53(2) of the Constitution and Section 4(3) of the Children Act). The Applicant herein fulfils the requirements for a local adoption under the Children Act, having proven her ability prior to adoption to give care and parental love to the subject. She is financially secure and has a good social support network within her own family, which also supports this adoption.

8. I am satisfied that it is in the best interests of the child to grant prayers 1 -5 in the Originating Summons filed on 25th May, 2018.

DELIVERED AND SIGNED AT KIAMBU THIS 30TH DAY OF MAY 2019

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C. MEOLI

JUDGE

In the presence of:-

Mr. Kamenju for the Applicant

Cout Assistants – Kevin/Nancy