

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CAUSE NO. 3 OF 2018

IN THE MATTER OF ADOPTION OF BABY S. H. aka A.

BY

1. S. P. M. M

2. E. N. M.....APPLICANTS

RULING

1. The Applicants herein are **S.P. M. M** and **E. N. M.** They are a married couple aged 56 (male applicant) and 53 (female applicant) years respectively. They ascribe to the Christian faith and got married in 1992. Both are gainfully employed, grossing over KShs.100,000/= per month. They do not have any children of their own and have applied to adopt the female minor known as **S. H. aka A.**

2. The subject minor, according to material on record was born on 20/3/17 at a clinic in Machakos and abandoned on the same day. She was taken to Machakos Level 5 Hospital and a report made to Machakos Police Station *vide* O.B. No. 46/4/5/2017. The subject minor was subsequently admitted into Mahali Pa Maisha Childrens Home and formally committed thereto by an order of the Children’s Court, Machakos in **Care and Protection Case No. 26 of 2017.**

3. No person has since come forward to claim her and her parents are unknown. On 23rd November, 2017, **Buckner Kenya Adoption Services** declared the subject minor free for adoption *vide* certificate **No 0233.** The child was placed under the care of the Applicants on 1st December 2017 and has since been in their care.

4. The social enquiry report by the adoption agency, and the reports filed by the Children’s officer and 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 located in what appears to be a close – knit extended family homestead. The subject has bonded with the adoptive parents and settled in the home environment.

5. The Applicants’ motivation for adoption is to have a child of their own, and to care for the subject as parents. The minor has attended court in the company of the Applicants. She seems to relate well with the Applicants. She appears to be in good health and thriving under their care .

6. In an application of this nature the court is obligated to uphold the best interest of the child – See Article 53 of the Constitution and Section 4(3) of the Children Act. Both the guardian *ad litem* and the Children’s department recommend the proposed adoption as being in the best interest of the subject. More particularly, their respective reports confirm the suitability of the Applicants in providing necessary care, love and protection to the subject.

7. It is my considered view, having reviewed the entire record, that the Applicants satisfy the requirements for a local adoption under the Children Act. Further, the court is satisfied that the integration of the subject minor in a family which loves and provides for her is in her best interest. In the circumstances, I do grant prayers 1 to 7 of the Originating summons filed on 16th March 2018.

DELIVERED AND SIGNED THIS 13TH DAY OF AUGUST 2019

C. MEOLI

JUDGE

In the absence of the parties