

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CASE NO 22 OF 2017

IN THE MATTER OF ADOPTION OF BABY S. B.

BY

P. M. AND J. M. M..... APPLICANT

J U D G M E N T

1. The applicants herein **P. M.** and **J. M. M.** are a married couple and are aged 45 and 43 years respectively. They got married on 25th March 2000 under the African Christian Marriage and Divorce Act (now repealed). Both are gainfully employed. Their residence is at Kikuyu town. They profess the Christian faith. The couple has one biological child, a daughter named **D. B. M.** aged 16 years and a student at **R. V. A.**

2. The Applicants wish to adopt the child known as **S. B.**, a male now aged 3 years. According to the records before the court **S. B.** was born on 23rd April 2015. He was a new born at the time he was found abandoned in a pit latrine at **[particulars withheld], Limuru Sub County**, on 23rd April 2015. He was rescued by good Samaritans and eventually a report made to police. Subsequently, he was placed at the Limuru Children Centre. The child was officially committed to the home through an order of the Chief Magistrate's Court Limuru in **Care and Protection Case No.49 of 2015.**

3. The biological parents were not traced and nobody came forward to claim him and on 14th November 2015, **Change Trust Adoption Society** declared him free for adoption vide **Certificate Number [particulars withheld]**. On 2nd May, 2017 the Applicants entered into a care agreement with the Limuru Children Centre taking the child into their custody. Since then, the child has been under their care and custody. Pursuant to orders by this court, the Children's Officer and the guardian *ad litem* filed social enquiry reports on the Applicants. Also on record is an assessment report by the adoption society, Change Trust.

4. The reports confirm that the Applicants are gainfully employed with a good income. That they are emotionally stable and capable of providing for the upkeep and education of the child, who it appears, has thrived under their care. The Children Officer recommends the adoption, citing the fact that the subject minor has bonded well, not only with the Applicants, but also with their biological daughter. The daughter has consented to the adoption. According to the Children Officer, the Applicants are capable parents in light of their proven ability in raising and providing for their biological daughter.

5. The court is obligated, in considering an adoption application, to uphold the best interests of the child (see Article 53 of the Constitution and Section 4 (3) of the Children Act.

6. Reviewing all the material before me, I am satisfied that the Applicants have fulfilled the requirements for a local adoption under the Children Act, prior to the adoption by taking care of the subject. During attendances, the court noted the warm and easy relationship between the Applicants and the subject. The Applicants have means to provide for their children and appear stable and socially integrated. Their desire is an opportunity to have and to care for and provide for a 2nd child.

7. This court is satisfied that it is in the best interest of the child **S. B.** to grant the adoption. Prayers 1 – 5 of the Originating Summons filed on 5th

December 2017 is accordingly allowed.

DELIVERED AND SIGNED AT KIAMBU THIS 23RD DAY OF NOVEMBER 2018

C. MEOLI

JUDGE

In the Presence of:

The Applicants in person

Baby S. B.

Court Clerk

Kevin