



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CAUSE NO. 17 OF 2019

IN THE MATTER OF THE ADOPTION OF BABY L. aka D.

GK.....1st Applicant

IMMN aka IM2nd Applicant

And Consolidated With

ADOPTION CAUSE NO 18 OF 2019

IN THE MATTER OF THE ADOPTION OF BABY ZB

GK1st Applicant

IMMN aka IM.....2nd Applicant

CONSOLIDATED JUDGMENT

1. The Applicants herein are **GK** (1st Applicant, male) and **IMMN aka IM** (2nd Applicant, female). The 1st Applicant is aged 45 years and is a specialist running his own company, namely [Particulars withheld]. The 2nd Applicant is also aged 45 years and is a Human Resource Practitioner currently employed at [Particulars withheld]. Together, the Applicants have a gross joint income of about Kshs. 170,000/ per month. They also own some properties.
2. Both are adherents of the Christian faith. They have been living as a married couple since their marriage in 2008 which was celebrated under the Christian Marriage and Divorce Act (now repealed). However, due to medical complications, they have not been able to have biological child.
3. At the time of the visit by the guardian ad litem and by the Children Officer Kikuyu Sub-county, the couple was living in three-bedroom apartment at Kikuyu town. The Applicants seek to adopt baby L aka D (male) in Adoption cause no. 17 of 2019; and baby ZB (female) in Adoption cause no. 18 of 2019.
4. The circumstances of the two minors are as follows. Baby L aka D was abandoned as a day-old infant at Zimmerman and rescued by a Good Samaritan RK, on 26th February, 2018. The matter was reported to Kasarani Police Station under OB No. [...] and 26th February, 2018. He was admitted to Ruaraka Uhai Neema Hospital for observation and treatment and upon discharge on 2nd March 2018, he was admitted into Happy Life Children's Home. By an order made in Protection and Care Case No. [...] by the Children's Court Nairobi, the child was committed to the home. Efforts to trace his parent(s) bore no fruit and nobody came forward to claim him. On 28th January, 2019, the child was declared free for adoption by Buckner Kenya Adoption Services vide certificate no. [...] and pursuant to a foster care agreement between the Applicants and Happy Life Children's Home he was placed in the Applicants care on 2nd March, 2019 and has thus remained to date.
5. The second child proposed to be adopted is the female minor. baby ZB. ZB was found abandoned by the roadside on 1/01/2018 in Kiambu Township and taken to Kiambu Level 4 Hospital. The incident was captured under OB No. [...] of 1st January, 2018. The subject minor was admitted at the hospital until 10th January, 2018 when she was discharged into Happy Life Children's Home. Her presumed date of birth is 31st December, 2017. The Children's Court at Kiambu committed Baby ZB into the home vide an order made on 15th January, 2018 in Care and Protection case no. [...] (year erroneously indicated in order as 2019). The parents of the child have never been traced and nobody has come forward to claim ZB. Buckner Kenya Adoption Services declared ZB free for adoption on 28th January, 2019, vide certificate No. [...]. Under a pre-adoption foster care agreement between the Applicants and Happy Life Children's Home, dated 2nd March, 2019, the child ZB was placed in the Applicants' care where she has remained to date.

6. Pursuant to orders made in the two adoption causes, reports were filed by the Children Officer Kikuyu Sub-County and the guardian ad litem JWK. In addition to reviewing these reports, the court has perused the material on record in both adoption causes. It appears that the Applicants are in a stable and happy marriage even though they have been unable to have biological children for over 12 years of marriage.

7. Their motivation in the adoption is to satisfy their desire to have their own children. They are mature and financially capable of shouldering the responsibility of parenting two children. Their extended family is supportive of the proposed adoption as evidenced by the consent by one member to act as a legal guardian of the adoptive children. The Applicants have made what appear suitable social and living arrangements to accommodate the two children in their home and life.

8. The children, from reports by the Children Officer and the guardian ad litem are thriving in the Applicants' care and have bonded well with the Applicants and with each other. The Applicants have proven their capacity in advance, to take on parental responsibility in respect of the two children who are reported to relate as siblings as of September, 2020 when home visits were made. I am persuaded that the Applicants are eminently qualified for a local adoption.

9. The court is obligated to uphold the best interests of the two minors in determining the applications for adoption. It seems to me that the two abandoned children will stand to benefit by being rooted and raised in a loving family that provides for their needs. They have settled well with their prospective parents who on all accounts cherish them. The children can only thrive in the family environment created by the Applicants. The court is therefore persuaded that the two originating summons dated 30th October, 2019 is deserving. The court allows the said summons as prayed.

DELIVERED AND SIGNED ELECTRONICALLY ON THIS 7TH DAY OF MAY 2021.

C. MEOLI

JUDGE

In the presence of:

For the Applicants: Miss Kimenyi.

Applicants: present with minors

Kevin Ndege: Court clerk.