

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CAUSE NO. 8 OF 2019

IN THE MATTER OF THE CHILDREN ACT

IN THE MATTER OF THE ADOPTION OF BABY P (MINOR)

RNK.....APPLICANT

JUDGMENT

1. RNK, the Applicant herein is a Kenyan female aged 45years. She ascribes to the Christian faith and is single. Although she had previously been in an informal marriage or relationship for 15 years, the couple did not sire any children due to a medical condition affecting the Applicant. The couple parted in 2000. The Applicant is a laboratory technologist currently employed by a Church Mission Hospital in Kiambu County. She earns about Kshs 45,000/= per month and resides in a two-bedroom rental house at Kikuyu. RNK has applied to adopt Baby P, as she is currently known.

2. Baby P, the subject female minor herein was born together with her twin sibling on 24/10/2017 at Murang'a County Referral Hospital to JWM. As the twins were underweight, they were placed under special care. However, their mother absconded leaving them in the hospital on 18/11/2017, the same day when the second twin died. Efforts by the hospital administration to trace the mother proved futile. The abandonment incident was reported to Murang'a Police Station vide OB No. xx/xx/11/2017.

3. Baby P meanwhile remained in hospital until discharge on 10th January, 2018. On 11th January, 2018 she was admitted to the Nest Children's Home pursuant to the committal order made on the same date in Murang'a Children's Court Care and Protection Case No. 1 of 2018. She remained at the home as further efforts were made to trace her parents. The search was fruitless, and nobody came forward to claim Baby P. On 13th September, 2018, Baby P. was declared free for adoption vide certificate no. [...] by Buckner Kenya Adoption Services. On 29th September, 2018, baby P was placed in the care of the Applicant and has thus remained to date.

4. Pursuant to an order of this court issued on 28/11/2019, the guardian ad litem and Children's Officer Nairobi have filed their respective reports. Both recommend the adoption.

5. The court has reviewed the available material together with the above reports. The Applicant is mature and financially stable. She has evidently taken good care of the subject during the period when she has had custody of the child. Her motivation to adopt is to have a child of her own to care for and love, having been unable to get a biological child.

6. According to the report by the guardian ad litem the adoptive mother and subject have bonded well. The Applicant has made suitable living arrangements for the care of the subject and set aside time to spend with her all an indication of her readiness to take on parental responsibility.

7. The court is obligated to uphold the best interests of the child in a case of this nature. See Article 53 (2) of the Constitution and Section 4 (3) of the Children Act. There is no doubt that Baby P will benefit if she is placed in a family where she will be loved and provided for. The Applicant's extended family support the proposed adoption and the Applicant's sister is the proposed legal guardian. The court is satisfied, upon reviewing all the material on record, that the proposed adoption is in the best interests of Baby P. Equally, the court is satisfied that the Applicant meets the requirements for a local adoption as prescribed in the Children Act.

8. The originating summons dated 18th June, 2019 is therefore allowed in terms of prayer (1), (2) and (3).

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

C. MEOLI

JUDGE

IN THE PRESENCE OF:

For Applicant: Miss Muhanda

Applicant: N/A

Court Assistant: Kevin Ndege