



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KIAMBU**

**ADOPTION CAUSE NO 32 OF 2018**

**IN THE MATTER OF ADOPTION OF BABY L. T**

**BY**

**DWN.....APPLICANT**

**JUDGMENT**

1. A motor cycle rider, one **BA** was in Molo town when approached by a woman on the evening of 23<sup>rd</sup> July 2017 ostensibly to hire his services as a *boda boda* cyclist. The woman had a child with her. She gave the child to him and apparently excused herself and left for a brief errand promising but never to return. After a while waiting, **BA** began searching for the woman in the town. Not tracing her, he reported to Molo Police Station *vide* OB No. 45/23/7/2017.
2. The abandoned female child **LT** then an infant aged about 7 months was handed over to police. On 25/07/17 **LT** was admitted to New Life Trust Home Nakuru and the Children's Court Molo committed the subject minor to the home on 30<sup>th</sup> August 2017, in Care and Protection Case No. 85 of 2017. Later she was transferred to New Life Trust Home in Nairobi. Efforts to trace the mother were unsuccessful and nobody came forward to claim **LT**. She was declared free for adoption by Little Angels Network on 4/5/18 *vide* certificate No.001986. On 22.6.18 **LT** was placed in the care of **DWN** the Applicant herein, under a care agreement. The subject minor has been in Applicant's care since then.
3. The Applicant has now moved the court to adopt **LT**. The Applicant is female and single. She is 55 years old and has no children of her own. She works as a lecturer at Uxxxxx University and earns a gross of over KShs.260,000/= per month. She owns several pieces of land. She ascribes to the Christian faith and resides in a rented flat along Kiambu Road.
4. The guardian *ad litem*, and the Children Officer, Kiambu County have filed reports pursuant to the order of the court on 24/6/19. Also on record is the social enquiry report by Little Angels Network, the adoption agency. The court has reviewed the reports and other material on record. All the reports are supportive of the proposed adoption.
5. It appears from the reports and other material on record that the Applicant is financially stable, physically and emotionally healthy. She has demonstrated capacity to care for and provide for the subject during the period of the care agreement. She has strong family bonds with her siblings and indeed the proposed legal guardians are her younger brother and his wife. The extended family supports the adoption. She also enjoys an extended social support network in her church group.
6. The report by the Children Office indicates that the Applicant and the subject have bonded well. The Applicant's motivation for the proposed adoption is her desire to have her own child to care for. The reports describe the home environment at the Applicant's residence positively, the guardian *ad litem* especially pointing out that the subject minor has thrived under the Applicant's care.
7. Reviewing all the available material, the court is persuaded that the proposed adoption serves the subject minor's best interests. See Article 53 of the Constitution and Section 4(3) of the Children Act. The Applicant qualifies for a local adoption and appears eminently suited as an adoptive mother having demonstrated capacity to care for and provide for the subject. The subject minor will benefit from being raised in a loving home in which her needs are catered for. In the circumstances, the court will grant the Originating Summons filed on in terms of prayers 1 to 4.

**SIGNED AND DELIVERED ELECTRONICALLY THIS 2ND DAY OF OCTOBER 2020.**

**C. MEOLI**

**JUDGE**