



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO 16 OF 2018**

**IN THE MATTER OF ADOPTION OF BABY SP**

**VK.....APPLICANT**

**JUDGMENT**

1. **SP**, the female subject minor in this case was on the morning of 28.02.2017 found abandoned by a railway track at [Particulars Withheld] village, Nyandarua County. The good Samaritan who made the discovery reported to OI Joro Orok Police Station *vide* O.B No. 02/xx/xx/2017. After being taken to hospital for checkup, the child was admitted to New Life Home Trust, Satellite Home in Nyeri. Through an order of the Court in Nyahururu CMs Protection and Care Case No. 63 of 2017 the subject was subsequently committed to the home.
2. Subsequent efforts to trace her parents were unsuccessful and nobody came forward to claim her. On 6<sup>th</sup> November 2017 KKP1 Adoption Society declared **SP** free for adoption *vide* certificate No. 587. On 8.1.2018 **SP** was placed in the Care of **VK**, the Applicant herein, and has remained thus to date. **VK** is a single female aged 34 years. She has never married or had children of her own due to primary infertility. She enjoys good physical health. The Applicant runs a salon as her principal business and resides in an apartment on Waiyaki Way, Nairobi. Her gross monthly income is in excess of KShs.300,000/=. The Applicant ascribes to the Christian faith and attends the Parklands Baptist Church. **VK** has applied to adopt baby **SP** who is slightly over 3 years old.
3. The court has received the social enquiry report by Change Trust and the reports by the guardian ad litem and the Children Officer, Nairobi County, which were filed pursuant to the order of the court on 25/2/19. It is evident that **VK** had a difficult early life after being orphaned at an early age and left in the care of persons with whom she had no blood relationship and who did not provide the necessary care for her.
4. Evidently **VK** herself grew up as a child in need of care and protection and was denied even the most basic right, that is education, instead being forced into child labour at an early age. It appears that despite these challenges **VK** was able to work first as a domestic worker before establishing her own business. She is therefore capable of supporting herself and the child she intends to adopt. Her experiences, rather than diminishing her drive seemingly left her matured, resilient, and responsible. Although she does not have a network of blood relatives, the Applicant appears to have forged a close friendship with the couple recommended as legal guardians and members of the Women Ministry in her church. Her motivation in this application is to have her own child to care for.
5. The reports on record indicate that the Applicant and the subject minor have bonded well and are comfortable in their residence at **L** Apartments, Waiyaki Way. The reports are positive and recommend the adoption. The court is obligated in considering an application of this nature to uphold the best interests of the child. See Article 53 of the Constitution and Section 4(3) of the Children Act. The Children Office Nairobi recommends the adoption proposed herein as being in the best interest of the subject, and the court, having received all material on record is equally persuaded.
6. The subject minor stands to benefit from the love and care of the Applicant who appears emotionally and financially capable to so provide. It is also my view that the Applicant qualifies for a local adoption under the Children Act. In the circumstances, the court allows the Originating Summons filed on 24<sup>th</sup> August 2018, but subject to the directions in the paragraph below.
7. This court directs that the Applicant will be required to make a written notification of any change of residence to the Children Coordinator, Nairobi or any other County in which she and the minor may reside in from time to time, and to accept visits to her residence that may be deemed necessary by the responsible Children Office, until subject minor is of age. In this regard the Applicant will be required within 14 days of this judgment to execute and file into Court an appropriate acknowledgement of the foregoing requirement and commitment to comply therewith. These directions are made out of abundance of caution in light of the scanty material on the family network of the Applicant, but for which she is not to blame.

**SIGNED AND DELIVERED ELECTRONICALLY ON THIS 2<sup>ND</sup> DAY OF OCTOBER 2020.**

**C. MEOLI**

**JUDGE**