



**REPUBLIC OF KENYA**

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

**ADOPTION CAUSE NO 19 OF 2018**

**IN THE MATTER OF ADOPTION OF BABY SK**

LWN.....APPLICANT

**JUDGMENT**

1. Baby **SK**, the female subject minor in this case was abandoned by the mother **EK**, in the post-natal ward of Kitale District Hospital as a newborn child, on 15/9/16. She remained in the hospital for two months after which a report was made to Kitale Police Station *vide* OB No. xx/xx/11/16. Thereafter the infant was admitted to Mercy Rescue Trust Children's Home as her mother was sought. By an order made in Care and Protection case No. 38 of 2017 by the Children's Court at Kitale the subject minor was committed to the home. Efforts to trace the mother were unsuccessful and nobody came forward to claim the child and on 22<sup>nd</sup> August 2017, she was declared free for adoption by Change Trust, an adoption agency, *vide* certificate No. 00229. Through a care agreement executed on 15<sup>th</sup> September 2017 between the Applicant herein **LWN** and Mercy Rescue Trust Children's Home the subject minor was placed in the Applicant's care and has thus remained to date.

2. The Applicant has now applied to adopt Baby **SK**. The Applicant is a single lady who has no children of her own. She is a teacher at **W** Secondary School Thika. She is 30 years old. She ascribes to the Christian faith, espouses her love for children and is involved in charity work which takes her to various children homes. Although employed by the government as a teacher, she also engages in other income generating activities, hence grossing over KShs.50,000/= per month. She resides in a rental flat in Thika.

3. On 25/2/19 the court appointed guardian ad litem and directed that reports be filed by the said guardian and the children office concerned. These reports are now on record. The court has reviewed them alongside the social enquiry report by Change Trust the adoption agency. All of them recommend the adoption. It is apparent from the reports that the Applicant is mature, financially and emotionally stable and capable of caring for and providing for the subject.

4. The Applicant's motivation in applying for adoption is to have a child to love and care for. She is close to her siblings and parents who are also in support of the adoption. According to the Children Officer's report, the Applicant has bonded well with the subject minor and demonstrated her capacity and desire to care for the child. The child appears to be thriving under the Applicant's care. The guardian ad litem **JIM**, a fellow teacher reports that he observed that the Applicant and subject minor relate well as mother and child.

5. The best interests of the child must be upheld in an application of this nature, as required under Article 53 of the Constitution and Section 4(3) of the Children Act. Having reviewed all the reports and other material on record, the court is satisfied that the proposed adoption would be in **SK**'s best interests, the Applicant having so far demonstrated her capacity to give **SK** parental love, care and protection. She qualifies for a local adoption and in the result the court is persuaded to grant prayers 1 – 4 of the Originating Summons filed on 9<sup>th</sup> October 2018.

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

**C. MEOLI**

**JUDGE**