

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CASE NO 21 OF 2017

IN THE MATTER OF ADOPTION OF BABY K. W.

BY

LKN.....1ST APPLICANT

EMM.....2ND APPLICANT

J U D G M E N T

1. The Applicants are **LKN** and **EWN** a married couple aged over 40 years. They were married under Kikuyu custom since 2016 but solemnized the union in church in December, 2016. The Applicants wish to adopt baby **KW aka MN**, a male child. The Applicants are Christians and subscribe to the Catholic faith. They are employed in [particulars withheld] Ltd and reside at [particulars withheld] estate, Thika Road.

2. According to the material on record, the child herein was found abandoned at Dandora Phase II on 21st February 2016 by a good Samaritan, who took him to Dandora Police Station where the report was booked vide **O.B. No. [particulars withheld]/2/2016**. On the next day the child was admitted to Imani Children's Home. Subsequently on 16th August 2016, he was committed to the home by the order of the Children's Court Nairobi, in **Protection and Care Case No.218 of 2016**. His presumed date of birth is 22nd April 2015.

3. Nobody has come forward to claim him and on 6th September 2016 the adoption society **K.K.P.I.** declared him available for adoption vide **Certificate No. [particulars withheld]**. His parents are unknown therefore the child was released into the care of the Applicants pursuant to a care agreement executed on 13th November 2016. He has remained in the couple's care since then. Pursuant to the order of this court, reports were prepared by the guardian *and litem*, **MNK** and by the Children's Department. Also on record is the social enquiry report by **KKPI adoption society**.

4. The reports contain that the Applicants are emotionally and financially stable and capable of providing for the upkeep and education of the child. According to the Director of Children Services the Applicants have bonded well with the child and have the support of their extended families. The Applicants do not have their own biological children, and their motivation for the adoption is to have their own child. They have properties acquired through their various economic activities and desire to have an heir. Both the guardian *and litem* and director of Children Services recommend the adoption.

5. In considering the adoption application, the court is obligated to uphold the best interest of the child (see Article 53(2) of the Constitution and Section 4(3) of the Children Act.

6. The Applicants herein appear to satisfy the requirements for a local adoption under the Children Act and have proven their capacity, prior to adoption, to take care of the child. The child has already been enrolled in school and appears to have bonded with the adoptive parents. The Applicants are in good health, are socially integrated and financially secure. Reviewing all the relevant matters, the court is satisfied that it is in the best interest of the child to grant the adoption sought.

7. In the circumstances, I hereby grant prayers 1 to 5 of the Originating Summons filed on 21st November, 2017.

DELIVERED AND SIGNED AT KIAMBU THIS 15TH DAY OF FEBRUARY 2019

C. MEOLI

JUDGE

In the Presence of:-

Mr. Odek holding brief for Mr. Kamenju for the Applicants

Court clerk - Kevin

C MEOL