

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CASE NO. 6 OF 2018

IN THE MATTER OF ADOPTION OF BABY E.C.K.

BY

PMM.....1ST APPLICANT

GWK.....2ND APPLICANT

J U D G M E N T

1. This is a kinship adoption. The 2nd Applicant is the mother of the subject male child, **ECK**. The 1st Applicant is aged 36 years while the second Applicant is 32 years old. The Applicants are Kenyan nationals. They got married in 2013 and have two biological children. **ECK** is the son of the female Applicant out of a previous relationship in 2009. The biological father did not assume parental responsibility for the subject. The biological father **VMK** has given his consent to the intended adoption of the subject by the Applicants.

2. The Applicants are university graduates and working professionals in [particulars withheld] Industry Ltd. and [particulars withheld] Ltd. respectively. They reside at Edenville Estate Kiambu. They ascribe to the Christian faith. The child was in the care of the mother (2nd Applicant) prior to her marriage to the 1st Applicant and took him with her into the marriage. The 1st Applicant has accepted the child and treats him as his own child. The child was declared free for adoption on 18th May 2017 by **Change Trust Adoption Society** vide certificate No. 00215.

3. The reports by the Adoption Society, the guardian ad litem and the County Children Coordinator reveal the suitability of the Applicants to care for and love the child. The children officer reports that the child has blended well with his siblings and that the couple made the mutual decision to formalize the relationship so that the subject can enjoy the full rights of a child of the marriage.

4. The guardian *ad litem* highlights the loving relationship between the subject and the Applicants. The County Children coordinator recommends the adoption, citing the fact that the Applicants are stable and capable of providing care, love and protection to the subject. According to the guardian *ad litem* the Applicants will provide a stable home for the upbringing of the subject.

5. In considering an application for adoption the court is mandated to uphold the best interests of the child (see Article 53(2) of the Constitution and Section 4(3) of the Children Act.

6. The Applicants herein fulfil the requirements for a local adoption under the Children Act, and have proven prior to the adoption, their capacity to take care of the subject child. They are financially secure and have good social support. They are motivated to do the right thing by their already accepted child so that he can enjoy full rights as their child, equal to his siblings. They have been living with and providing for the subject and the application is intended to formalize the arrangement.

7. The court is satisfied that it is in the best interest of the child to grant the prayer for the adoption of the subject by the two Applicants. In the circumstances I grant prayers 1 to 4 of Originating Summons filed on 29th March 2018.

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 Applicant

Court clerk - Kevin