



**REPUBLIC OF KENYA**

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

**ADOPTION CASE NO. 16 OF 2017**

**IN THE MATTER OF ADOPTION OF BABY M. Z.**

**BY**

**P.K.M.....1<sup>ST</sup> APPLICANT**

**R.W.W..... 2<sup>ND</sup> APPLICANT**

**J U D G M E N T**

1. The Applicants herein are **P.K.M.** and **R.W.W.** aged 45 years and 40 years respectively. They are Kenyan nationals, married since 2005. They subscribe to the Christian faith and are gainfully employed. They reside at [particulars withheld], Juja Sub County with their two biological children. The Applicants wish to adopt the male child **M. Z.** now aged 6 years. His presumed date of birth is 19<sup>th</sup> June 2012. He was found abandoned at a dumpsite at Kibera. He was about 3 weeks old. The report was booked at Kilimani Police Station vide OB. No. 48/19/6/2012.

2. The infant was thereafter admitted to Kenyatta National Hospital for treatment. Upon discharge on 4<sup>th</sup> July 2012, he was admitted into **Imani Children Home**. Subsequently by an order of the court in **Protection and Care Case No. 96 of 2013** he was committed to the home. The biological parents were never traced. The child was declared free for adoption by **Buckner Kenya Adoption Services** on 5<sup>th</sup> August, 2015 vide certificate No. 0093. He was released into the custody and care of the Applicants on 30<sup>th</sup> August 2015 and has so remained until now.

3. On record are the social enquiry report by Buckner Adoption Services, and reports by the guardian *ad litem* J N M and by the County Children Coordinator, Kiambu. The reports confirm that the Applicants are financially stable and capable of caring and providing for the upkeep and education of the subject.

4. The Children Coordinator's report indicates that the subject has blended well with the other children of the Applicants. The biological children, according to the social enquiry report are a female, **D.M.K.**, aged 12 years and J.M.K. a male aged 6 years. The Children Officer recommended the adoption as being in the best interest of the child. She observed that the couple in seeking to adopt the child was fulfilling a pledge mutually made at the inception of the marriage, to adopt and raise a child not biologically their own as a way of "giving back"

5. The court is obligated in considering this application to uphold the best interests of the child as provided in Article 53(2) of the Constitution and Section 4(3) of the Children Act).

6. The Applicants herein have fulfilled the requirements for a local adoption under the Children Act, proving their capacity prior to adoption to care for the child. They are in a stable marriage and have the necessary financial means. They are socially integrated and the motivation for the adoption is purely altruistic.

7. The court is satisfied that it is in the best interest of the child to allow the adoption. Prayers 1 to 5 of the Originating Summons filed on 9.10.17 are granted.

**DELIVERED AND SIGNED AT KIAMBU THIS 15<sup>TH</sup> DAY OF FEBRUARY 2019**

**C. MEOLI**

**JUDGE**

**In the Presence of:-**

Mr. Odek holding brief for Mr. Kamenju for Applicants

Court clerk - Kevin