

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CASE NO. 10 OF 2017

IN THE MATTER OF ADOPTION OF BABY SM

BY

SKK.....1ST APPLICANT

FMM.....2ND APPLICANT

J U D G M E N T

1. The Applicants herein are **SKK** and **FMM** and have been married since 2004. However they were unable to get their own biological child. They are Kenyan nationals. They now apply to adopt the child known as **SM** a male child. The adoptive mother is a lab technician while the husband is a teacher. They reside at Ruiru. They ascribe to the Christian faith.

2. According to the material on record the subject child was born on 1/1/2012 to one **MK** who abandoned him at Kenyatta National Hospital a few days later. A report was recorded at Kenyatta Police Post vide O.B. No. [Particulars withheld]. Subsequently, the child was admitted to **Abandoned Baby Centre** and committed to Dagoretti Children's Centre pursuant to an order of the court in **Protection and Care Case No.482 of 2012**. The mother was subsequently traced by **MR** her employer in 2012, but she later disappeared and never came forward to claim the child. The adoption society **Little Angels Network** declared **SM** free for adoption on 17th June 2016 vide certificate No. XXX.

3. The Applicants entered into a care agreement with Dagoretti Children's Centre on 28/7/16 and since then, the minor has been in the Applicants' care. Prior to this, the adoption society had prepared a social enquiry report which reveals that the Applicants are mature, emotionally and financially and financially stable and have adequate social support in their extended families.

4. The Children's Director and the guardian ad litem did, pursuant to this court's order file their respective reports. Both reports are favorable and indicate that the child has bonded well with his adoptive family and is well cared for. Further the reports confirm that the Applicants are in a stable and happy marriage, and financially and emotionally stable. The Director of Children Services recommends the adoption, citing the fact that the child appears to have flourished under the care of the adoptive parents. That the Applicants' sole motivation for the adoption, is to have their own child to love and care for.

5. In considering an application of this nature, the court is obligated to uphold the best interests of the child (see Article 53(2) and Section 4(3) of the Children Act).

6. The Applicants herein are in good physical health, are gainfully employed and therefore financially stable. The male Applicant is aged about 42 years while the female Applicant is about 40 years of age. They have prior to the adoption proven their capacity to take care of the child. In my view the Applicants herein have fulfilled the requirements for a local adoption under the Children Act.

7. In the result the court is satisfied that it is in the best interest of the subject child to grant the prayer for adoption by the Applicants. In the circumstances, I grant prayers 1 – 5 in the Originating Summons filed on 21/7/17.

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 Applicant

Court clerk - Kevin