

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KIAMBU

ADOPTION CASE NO 4 OF 2018

IN THE MATTER OF ADOPTION OF BABY RM

BY

LNK.....APPLICANT

JUDGMENT

1. The Applicant herein is **LNK**, a female single, aged 47 years. She is the mother of a teenage daughter **VMW** born on 2th December, 2008 out of a relationship that did not result in a marital union. She ascribes to the Christian faith and is self-employed, earning about KShs.250,000/= p.m. She has applied to adopt the female minor known as RM.

2. The subject minor, according to material on record, is estimated to have been born on 16th July 2015. The subject was found abandoned at a place known as Dam area, Kiserian, on 17th July 2015 by a good Samaritan who reported to Kiserian Police Station. The report was booked vide OB No.[XXXX]. On the same day the subject was admitted into **Pahali Pa Maisha**, a children's home. Subsequently the subject minor was committed to the said home through an order of the court in Kajiado protection and care case No.20 of 2015. Up until 2016 her parents had not been traced and nobody had come forward to claim her. Change Trust, the adoption agency vide **certificate No.xxxxx** dated 8th July 2016 declared the minor free for adoption: Through a care and placement agreement executed by the Applicant and **Mahali Pa Maisha**, on 8th August 2016, the subject minor was placed under the care of the Applicant and has thus remained to date.

3. The social enquiry report by the adoption agency and respective reports by the children County Co-ordinator, Kiambu County and the guardian *ad litem* **GVC** confirm that the Applicant is financially secure, emotionally stable and capable of providing for the subject minor and her older daughter and of giving necessary parental love and care. The Applicant resides in a three-bedroomed flat at [particulars withheld] and the accommodation was found suitable, spacious for the family. The reports by the guardian *ad litem* and the Children Coordinator highlight the close bond between the subject minor and the adoptive family. And in particular, that the Applicant's extended family is close knit and supportive of the adoption.

4. The Applicant's motivation is to enlarge her family, to care for the children and to provide a sibling to her only child. It was noted that the latter child is excited to have a younger sister in an application of this nature the court is obligated to uphold the best interest of the child – see Article 53 of the Constitution and Section 4(3) of the Children Act. The Children Coordinator and guardian ad litem recommend the proposed adoption as being in the best interest of the subject.

5. It is my considered view, having reviewed the entire record, that the Applicant satisfied the requirements for a local adoption under the Children Act, and that the integration of the subject minor in a family that loves and cares for her is in her best interest. In the circumstances, I do grant prayers 1 to 6 of the originating summons filed on 16th March 2018. In addition the court appoints the proposed couple, namely, **DWM** and **GMK** as the legal guardians of the subject minor.

DELIVERED AND SIGNED AT KIAMBU THIS 11TH DAY OF OCTOBER 2019

.....

C. MEOLI

JUDGE

In the presence of:

No appearance for the Applicants

Court Assistant - Kevin