



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**ADOPTION CASE NO 2 OF 2018**

**IN THE MATTER OF ADOPTION OF BABY RS**

**BY**

**PGM.....1<sup>ST</sup> APPLICANT**

**SAM.....2<sup>ND</sup> APPLICANT**

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

1. The applicants herein are **PGM** and **SAM**, a married couple both aged 44 years. **PGM**, the male applicant is an advocate by profession while his wife **SAM** is a medical doctor. They have been married for about 11 years now and profess the Christian faith. They reside at **[Particulars Withheld]** in their own four-bedroomed house. The couple has one biological child, a male, **AMG** aged 11 years.
2. The Applicants wish to adopt the male child known as **RS** who is presumed to have been born on 4<sup>th</sup> October 2015. He was found abandoned at a dumpsite by a good Samaritan who reported the incident to Githurai Police Station. The report was recorded *vide* OB No. [xxxx], and subsequently, the subject minor was admitted to New Life Home. Through an order made in **Care and Protection Case No.9 of 2016**, the child was formally committed to the home.
3. The subject's biological parents are unknown. The subject child was given into the care of the Applicants, pursuant to a care agreement executed in September 2016. He has remained in the Applicants' care to date. Prior to being placed in the care of the Applicants, the subject child had been declared free for adoption by **Buckner Kenya Adoption Services vide certificate No.xxx** dated July 2016.
4. The court has considered the social enquiry report filed into the court by the adoption agency and reports by the Children Office and the guardian *ad litem*. These reports confirm that the Applicants are financially and emotionally stable and capable of providing for the upkeep and education of the child. In her report, the County Children Coordinator Kiambu recommends the proposed adoption, citing the fact that the subject has bonded well with the Applicants who also have a good social support in their respective extended families. The subject has also reportedly bonded well with the Applicants' biological child.
5. It would appear from the reports that the motivation for adoption includes the desire for a second child. The Applicants are unable to have a second biological child due to medical complications. Secondly they desire to care for a child in need.
6. The court is obligated in considering the adoption application, to uphold the best interests of the child – see Article 53(2) of the Constitution and Section 4(3) of the Children Act. From the material on record the Applicants have fulfilled the requirements for a local adoption under the Children Act, proving their capacity prior to adoption to take care of the subject child. The Applicants are financially secure and evidently invested in the welfare of the subject.
7. The court is satisfied that it is in the best interest of the subject child to grant the adoption sought. Prayers 1 – 5 of the Originating Summons filed on 31<sup>st</sup> January 2018 is therefore allowed.

**DELIVERED AND SIGNED AT KIAMBU THIS 5<sup>TH</sup> DAY OF DECEMBER 2019.**

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**C. MEOLI**

**JUDGE**

**In the presence of:**

Mr. Ireri holding brief for Ms Ndegwa for the Applicant

Court Clerk – Nancy