

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

ADOPTION CAUSE NO. 247 OF 2013

IN THE MATTER OF THE CHILDREN ACT 2001

AND

IN THE MATTER OF ADOPTION OF CHILD P.M.

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY

IKM..... APPLICANT

JUDGMENT

1. The applicant is a Kenyan citizen aged 47 years old. She is a teacher employed by the Teachers Service Commission currently stationed at [particulars withheld] Primary School. She was initially married from 1994 to 1999 when her husband passed on. She later re-married NK in April 2016. NK was also widowed and has three adult children from his past marriage. The applicant has not been blessed with children of her own. She filed the originating summons on 24th October 2013 seeking to be allowed to adopt a female child who was born on 31st October 2008.

2. Child P.M. was found abandoned in a ditch in [particulars withheld] estate within Kariobangi North on 31st October 2008. A good samaritan reported the case to Kariobangi Police Station vide O.B No. [particulars withheld]. She was then placed at Missionaries of Charity Children's Home on 1st November 2008. The child was formally committed to Missionaries of Charity Children's Home for care and protection through the Nairobi Children's Court on 4th September 2009 vide Care and Protection case number 433/2000. The final police letter dated 3rd September 2009 stated that no claim had been made by the child's mother or family. The child was declared free for adoption under **section 156(1)** of the **Children's Act** by Little Angels Network Adoption Society on 20th January 2010 vide certificate No. [particulars withheld], and was placed under the care of the applicant for mandatory bonding prior to adoption. She has been under the continuous care of the applicant since 7th September, 2009.

3. The court appointed L P. M as guardian *ad litem* and ordered that she files a report after carrying out a social inquiry on the applicants. A similar report was sought from the Director of Children Services. Both reports were duly filed, and each recommended that the applicant be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child and the applicant have bonded well. The report by the Director of Children Services however pointed out that at the time of the application, the applicant was single, and that she has since re-married. The report recommended that the application be amended to include the applicant's spouse before the court rules on the application.

4. In view of the foregoing recommendation, the court orders that the application for adoption be amended to include the applicant's spouse. It will be important to know what her spouse thinks about the

adoption, and whether he supports it. It will also be important to know what the spouse's adult children think about the adoption. This means that fresh social reports by the Director of Children Services and the guardian ad litem be filed to cover the fresh circumstances.

5. The matter shall be adjourned for 30 days to allow for the fresh inquiry.

DATED and DELIVERED at NAIROBI this 5TH day of MARCH 2018.

A.O. MUCHELULE

JUDGE