



**In re Adoption of Baby Abandoned RN alias GA (Adoption Cause E040 of 2024)
[2024] KEHC 16824 (KLR) (Children's) (16 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 16824 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CHILDREN'S
ADOPTION CAUSE E040 OF 2024
BM MUSYOKI, J
AUGUST 16, 2024
IN THE MATTER OF APPLICATION FOR
ADOPTION OF BABY ABANDONED RN ALIAS GA**

IN THE MATTER OF

NWG APPLICANT

JUDGMENT

1. The applicant approached Buckner Kenya Adoption Services with intention and desire to adopt a child on 28-02-2023. The society made the social inquiry about the suitability of the applicant to adopt. The exercise was completed with the committee of the said adoption society recommending that the applicant was suitable as an adoptive mother. The approval was made on 19-05-2023.
2. Before the applicant had made her application, the adoption society had made inquiry and compiled a report on the child who is subject of these proceedings. The child was born on 19th May 2022 at Thika Level 5 Hospital to RNG. The mother abandoned the child at the postnatal ward in the same hospital on 21-05-2022. The hospital was not able to trace the mother of the child or her relatives as the only record with the hospital was the mother's name.
3. The abandonment was reported to Thika police station vide occurrence book entry number 85/26/05/2022. Through the Sub County children's officer in Thika, the child was committed to Kujali Children Centre and on 16-06-2022 the Children's court at Thika in its protection and care case number E401 of 2022 committed the child to the same Kujali Children's Centre. The child was discharged from the hospital on 17-06-2022 and found home in the said Centre. Subsequently, the police issued a letter dated 31-05-2023 to the effect that, search for the child's parents were not fruitful. No one had come forward either at the police station or the children's Centre to claim the child.
4. Buckner Kenya Adoption Services verified the information provided in respect of the child as narrated above. The child was declared free for adoption in its committee meeting held on 6-06-2023. The



society issued certificate number 0XX0 declaring the child free for adoption. The report dated 15-04-2024 signed by DM and IO and the certificate were produced by MWK of identity card number 217XXX03. The witness confirmed that the child was placed in custody of the applicant on 22-06-2023. She added that their follow up showed that the child had adapted and blended well with the applicant and recommended that the adoption orders be granted.

5. The applicant testified before me and told me that she made the application out of her desire to have a bigger family. She works as a scientist earning Kshs 120,000.00 per month. She lives with the child having divorced with her husband in milimani chief magistrate divorce cause number E1304 of 2021. In addition to adopting her statement and affidavit dated 7-02-2024, the applicant stated that she understood the effects of an adoption order. She was aware that once the adoption orders were issued, they were irreversible. She also understood that after the adoption order is issued, the child acquires all the rights of a biological child including the right to inherit her. She prayed that I proceed and grant the orders.
6. This court appointed DAO as Guardian Ad Litem on 11-04-2024. After the appointment, she proceeded to conduct interviews and visit the applicant and interact with the child. In her assessment, the child had adapted to the applicant's home and they had a strong bond. She concluded that it was in the best interest of the child that the adoption orders be granted. She produced a report she had prepared to that effect dated 15-05-2024.
7. RNN of identity card number 106XXX74 and TWM of identity card number 249XXX50 told the court that the applicant had appointed them as Legal Guardians of the child. They referred to consents they signed on 22-01-2024 and 6-02-2023 and confirmed that they understood that their mandate was to come in place of the applicant in case she became incapacitated or unavailable to discharge her parental duties. They confirmed that they ready to undertake that role.
8. I also took evidence of Ezekiel Kimani. He told me that he was an assistant Director of Children Services. He testified that the department of children services had conducted inquiry, investigations and assessment of the applicant and the child and it was satisfied that the applicant was suitable to adopt the child. The report of the department dated 23-05-2024 and signed by Mary Atati and Nancy Waswa confirmed that the department has no objection to the adoption. The report was produced as evidence in this matter.
9. This court had an opportunity to observe the child as the applicant testified. To the court, the child appeared comfortable and easy with the applicant. She was in a familiar environment and interacted well with the applicant.
10. I have gone through the records produced in this matter. The necessary reports are all positive that the best interest of the child will be served by granting of the adoption orders. The child has known the applicant as her only parent. The applicant has produced evidence that she is capable of taking care of the child. She has enough resources for that purpose. I am satisfied that it will be in the best interest of the child to grant the orders sought and I do not hesitate to do so.
11. Consequently, the originating summons dated 7th February 2024 is granted in the following terms;
 1. MWG is allowed to adopt Baby Abandoned RN alias GA.
 2. The child shall henceforth be known as TMG.
 3. The child's date and place of birth are declared to be 19th May 2022 and Thika Level 5 Hospital respectively.



4. The child is presumed to be a Kenyan citizen by birth and shall be entitled to all rights and benefits of a Kenyan citizen by birth.
5. TWM and RNN are hereby appointed as the joint Legal Guardians of the child.
6. The Registrar General is hereby directed to make an entry of this adoption in the adopted children's register.
7. The Guardian Ad Litem is discharged

DATED SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF AUGUST 2024.

B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

Judgment delivered in presence of Miss Kimenyi for the applicant.

