



**In re Baby ZA (The Child) (Adoption Cause E046 of 2024)
[2024] KEHC 16818 (KLR) (Children's) (16 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 16818 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CHILDREN'S
ADOPTION CAUSE E046 OF 2024
BM MUSYOKI, J
AUGUST 16, 2024
IN THE MATTER OF BABY ZA (THE CHILD)**

IN THE MATTER OF

SNW APPLICANT

JUDGMENT

1. The child herein was born approximately on 5th April 2017 in Mumias in Kakamega County. It is recorded that the child was abandoned when she was barely a year old. She was found abandoned at a rental plot near Shianda market and rescued by a good samaritan who took her to Shianda police station as per occurrence book entry number 14/21/7/2018. She was taken to Mumias Model Health Center and upon examination, she was found to be in good health.
2. The child was admitted to Mumias Kids Center on request of the police as investigations of the whereabouts of her parents began. Later through recommendation of the area children's officer, the child she was committed to the Mumias Kids Centre by the Mumias Children's Court vide its protection and care case number 24 of 2019. The investigations of the child's parents did not bear any fruits. No one came forward either in the police station or the Mumias Kids Centre to claim the child.
3. Buckner Kenya Adoption Society prepared a report on the child dated 24-05-2024. The report indicated that the child was freed for adoption after the adoption society made the necessary and procedural inquiries and verified the information about the child. The report shows that adoption will be in the best interest of the child. The adoption agency declared the child free for adoption under Section 159(a)(i) of the *Children Act* on 19th May 2023. A certificate to that effect was issued on the same date under serial number 0683. The report was produced in court by Mary Wanjiku Karimi a social worker working with the said adoption society.
4. The applicant appeared in court and testified. She told the court that she was working in Nairobi as a researcher with [particulars withheld] earning Kshs 400,000.00. She produced title deeds and her bank



account statements in proof of her capability to take care and bring up the child. The applicant stated that her motivation to adopt was her desire to have a family and give a child support and development. She confirmed that she was aware that adoption orders once issued were irreversible and that the child will assume and attain the rights of a biological child including the right to inherit her. She was ready and willing to proceed with that understanding.

5. This court appointed GWK as the Guardian Ad Litem on 11-04-2024 tasking her with the responsibility of making inquiry and file a report on the suitability of the applicant to adopt the child. She appeared and told the court that after she was appointed, she visited the applicant's home and interacted with the child. She observed that the child had bonded well with the applicant and she was happy and healthy. She added that she prepared a report in which she recommended that the adoption orders be granted. She produced the report which is dated 10-05-2024.
6. The applicant appointed BN as the Legal Guardian of the child. The appointed Legal Guardian told the court that she was in business of marketing and research. She confirmed that she had consented to the appointment and referred to an affidavit she signed on 1-02-2024. She told the court that she was ready to take over the parental responsibilities over the child in the event of death or incapacity of the applicant. She understood her role and was willing to discharge the same.
7. I also heard from Ezekiel Kimani an Assistant Director of Children Services. Mr. Kimani told the court that the department of children services had no objection and had approved the adoption of the child herein by the applicant. He produced a report from the department executed by Damaris Kobonah and Mary Atati. The report is dated 2-05-2024 and recommends that the adoption orders herein be granted.
8. I took the opportunity to interview the child. She appeared to me as knowledgeable and aware of her environment. She was obviously in good bond and relationship with the applicant.
9. The child herein is 7 years which is a tender age which requires guidance and love from a responsible adult. She has bonded with the applicant and she knows the applicant as her mother. The applicant has expressed her desire and willingness to have the child as her own. She has taken good care of the child. The reports from the adoption society, the department of children services and the Guardian Ad Litem are all positive that the adoption orders herein will be in the best interest of the child.
10. In view of the above, I am satisfied that the best interests of the child will be served if the orders of adoption as prayed in the originating summons are granted. Consequently, the originating summons dated 7th February 2024 is found merited and I proceed to make the following orders;
 1. SNW is allowed to adopt Baby ZA.
 2. The child shall henceforth be known as TZW.
 3. The child's date and place of birth are declared to be 5th April 2017 and Mumias Kakamega County 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. BNW is hereby appointed the Legal Guardian of the child.
 6. The Guardian Ad Litem is discharged.
 7. the Registrar General is hereby directed to make appropriate entries in the Adopted Children's Register.



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

B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

Judgement delivered in the presence of Miss Kimenyi for the applicant.

