



**In re Baby LH alias JJN (Adoption Cause E081 of 2024)
[2024] KEHC 10247 (KLR) (Family) (13 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 10247 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY**

ADOPTION CAUSE E081 OF 2024

BM MUSYOKI, J

AUGUST 13, 2024

IN THE MATTER OF

EKK APPLICANT

JUDGMENT

1. The child herein was born on 8-01-2020 at Kenyatta National Hospital. The mother is said to have absconded from the said hospital the sixth day leaving the child behind. The mother though her name was captured as JJN was nowhere to be traced prompting the administration to report the abandonment to Kenyatta police post vide occurrence book entry number XXXX/2020. It is recorded that all efforts to trace the mother through the telephone line she had provided did not bear any fruits. The child was therefore admitted to Hope House Babies Home on 2-06-2020.
2. On 28-09-2020 the Nairobi children's court committed the child to the said Hope House Babies Home through its protection and care case number XXX of 2020. No one came out to claim the child either at the police station or the children's home. As a result, Change Trust, an adoption agency made social inquiry on the child and verified the information about the child and vide its committee meeting held on 2-07-2021, the child was declared free for adoption as a result of which certificate to that effect serial number 0xxx was issued. The report by the adoption agency and the certificate were produced in court by Lizzie Mbogo Agala a representative of Change Trust Society.
3. The applicant testified and adopted her statement and affidavit dated 21-03-2023. She confirmed to the court that she understood the effect of adoption order especially that once issued, it is irreversible and the child attains all the rights of a biological son including inheriting her. She was ready for that. She told the court that she is a nurse and unmarried and she has enough resources to support and bring up the child. She added that her family and close friends had accepted her decision adopt to the child.
4. After the applicant made a decision to adopt, she made an application to Change Trust Society on 26-08-2019. The said adoption society assessed her and upon evaluation, its committee found the



- applicant suitable as an adoptive parent. This resolution was made in its committee sitting held on 20-09-2019. The report to that effect was produced in court. The child was placed with the applicant on 21-07-2021 and since then, the applicant has been living with the child.
5. Brighter Nzembi Musyimi was appointed by the applicant as the Legal Guardian of the child. She signed consent to that effect on 21-03-2023 which is part of the court record. The said Nzembi appeared in court and confirmed on oath that she signed the consent voluntarily. She also stated that she understood her mandate as a Legal Guardian. She was clear that she was aware that if anything happened to the applicant such that she will not be able or available to discharge her responsibilities as a parent, she (the guardian) will be expected by the law to assume the parental responsibilities over the child. She was ready and capable to do that.
 6. This court appoint Pamela Shikhule as the Guardian *ad litem* on 18-4-2024. She testified and told me that upon appointment, she embarked on her duties which included visiting and assessing the wellbeing of the child. In her own assessment, the Guardian *ad litem* found that the child had been taken care of well and she had bonded and adapted with the applicant. In her assessment, the adoption orders were appropriate in the circumstances. She produced her report to that effect dated 16-05-2024.
 7. I also heard evidence of Harriet Kihara a Principal Children's Officer in the department of children services. She testified that the applicant was assessed by the department. The child was also assessed. The department had no objection to the applicant being granted adoption orders. The report was positive and recommended that the adoption prayers herein be granted. She produced a report dated 15-04-2024 signed by EK and MA.
 8. Article 53(2) of the Constitution and section 8 of the Children Act dictate that where a decision is to be made in matters concerning a child, the paramount point of consideration should be the best interest of the child. This is a matter concerning a child and the focal issue of consideration should therefore be the best interest of the child.
 9. I have read the reports produced in these proceedings. I have also gone through the evidence I recorded from the witnesses. The child was abandoned by her mother when she was barely a week old. She was placed with the applicant at the age of one. She is now four and doing well. All the reports of the relevant bodies found that the child has bonded well with the applicant and recommend that I grant the orders of adoption. The child is now in school through the support of the applicant.
 10. In the circumstances of this matter, I am convinced that the best interests of the child will be served by granting of the orders as prayed. The child will have a home environment and enjoy the rights of a child and love of a family. I therefore do not hesitate to grant the orders. The originating summons dated 21st March 2024 is granted in the following terms;
 1. EKK is allowed to adopt Baby LH alias JJN.
 2. That child's name shall henceforth be JKE.
 3. The child is declared to be a Kenya citizen by birth and shall be entitled to all rights, benefits and privileges of a Kenyan citizen by birth.
 4. BNM is hereby appointed as the Legal Guardian of the child.
 5. The Guardian *ad litem* is discharged.
 6. The Registrar General is directed to enter this adoption in the Register of Adoptions.

DATED SIGNED AND DELIVERED AT NAIROBI THIS 13TH DAY OF AUGUST 2024.



B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

Judgement delivered in presence of Mr. Odunga holding brief for Miss Ambaka for the applicant.

