



**In re GE alias Abandoned Baby Girl (Adoption Cause E021 of 2024)
[2024] KEHC 10266 (KLR) (Family) (13 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 10266 (KLR)

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

FAMILY

ADOPTION CAUSE E021 OF 2024

BM MUSYOKI, J

AUGUST 13, 2024

IN THE MATTER OF

EMK APPLICANT

JUDGMENT

1. The applicant is a sole female applicant who seeks to adopt the child herein. In her desire to adopt a child, the applicant made an application to Buckner Kenya Adoption Services on 1-01-2022 for consideration as a prospective adoptive parent. The applicant was upon inquiry and assessment approved as eligible for adoption by the said adoption agency on 9-09-2022.

The applicant is a business lady who is not married and states that her decision to adopt a child is motivated by a desire to be a mother. She states that she has great love for children and believes that she should change a child’s life through offering love and care in a family environment. She told the court that she has enough resources capable of bringing up the child and prayed that this court grants her the adoption orders. To prove her capability, she produced her bank statements, business permits and her company’s registration certificates.

2. The child was born on 1-02-2020 by unknown woman and was found abandoned on 5-02-2020. She was rescued by one AW and SKJ at a fence near Matopeni in Kayole estate in Nairobi. The incident was reported to Kayole police station vide occurrence book entry number 89/05/02/2020. The child was admitted at Imani Rehabilitation Agency For Abandoned Children (hereinafter after referred to as ‘the children’s home’) on 5-02-2020 and later committed to the children’s home on 4-03-2021 by the Nairobi Children’s Court vide its protection and care cause number E694 of 2021. The search for the child’s parents and relatives by the police did not yield any results. During the period, no one turned up at the children’s home to claim the child.

Buckner Kenya Adoption Society reports that it verified the above information and on 21-06-2023, it declared the child free for adoption and proceeded to issue a certificate number xxxx. The reports



and certificate by the society were produced in court by James Jumba Peru who works with the society as a social worker.

3. The applicant was placed with the child on 25-07-2023. Since then, she has been taking care of the child and it is her evidence that she has bonded well with the child. When the applicant appeared before the court on 27-06-2024, she stated that she was aware of the effect of an adoption order and once it is issued, the same was irreversible. She was also aware that once the adoption order is issued, the child assumes all the rights of a child as if she were her biological child. These rights include the right of the child to inherit the applicant's estate. With that knowledge, she was willing to proceed with the adoption.

SMM told the court that he was a social worker and that he was appointed by this court as the Guardian Ad Litem to the child on 29-02-2024. Upon the appointment, he embarked on his mandate by interviewing the applicant, visiting her home to interact with the child and assessing the home environment. He stated that the child had adjusted well and adapted to the applicant's home. He recommended that the court allows the adoption. He produced his report of the assessment dated 13-04-2024.

4. The applicant had appointed JNK as the Legal Guardian of the child. The said J appeared before me and testified that he had accepted the appointment and signed the consent to that effect. The consent dated 19-07-2022 is in the court record. She told the court that she understood that as the Legal Guardian, she will be expected to step into the shoes of the applicant in case the applicant will be for any reason incapable of discharging her parental responsibilities. She confirmed to the court that she was ready to take up those responsibilities.

I also heard from Harriet Kihara who stated that she was a Principal Children's Officer in the state department of children services. She told the court that the department visited and assessed the applicant and the wellbeing of the child and prepared a report dated 24-04-2023. The report was signed by Damaris Kobonah a Children's Officer and Mary Atati an Assistant Director of Children Services. The report recommends that the applicant be allowed to adopt the child.

5. This court had the occasion to see the child and put some few questions to her. The child was with the applicant and in my assessment, she was comfortable and secure with the applicant. She was a happy and a talkative child who looked as having been taken good care of.

I have gone through the evidence adduced before me. I have also read the reports by the department of children services, the Guardian Ad Litem and the adoption society. I have also read the affidavit and statement of the applicant and also the report from the children's home. I am satisfied that it will be in the best interest of the child that this adoption be allowed. The applicant has met the requirements of the law in matters of adoption. She has offered an abandoned child a home and a lifeline which looked blink when she was abandoned at a very precarious age. I am convinced that her desire to adopt is well motivated and grounded.

I proceed to allow the originating summons dated 1-02-24 in the following terms;

1. EMK is allowed to adopt GE alias Abandoned Baby Girl.
2. 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.
3. The child's date and place of birth shall be presumed to be 1st February 2020 and Kayole Nairobi respectively.
4. The child's name shall henceforth be LK.



5. JNK is appointed as the Legal Guardian of the child.
6. The Guardian Ad Litem is discharged.
7. The Registrar General is directed to enter this adoption in the Adopted Children Register

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

B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

