



**In re adoption of BA Alias KAI (Baby) (Adoption Cause E174 of 2021)
[2022] KEHC 10390 (KLR) (Family) (31 May 2022) (Judgment)**

Neutral citation: [2022] KEHC 10390 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E174 OF 2021
AO MUCHELULE, J
MAY 31, 2022
IN THE MATTER OF THE CHILDREN ACT, 2001
AND
IN THE MATTER OF BABY B.A ALIAS K.A.L.
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY GAO.....APPLICANT**

JUDGMENT

1. The applicant GAO is 45 years of age and widowed. She is a hotelier currently working as an outlet manager at [particulars withheld] in Nairobi. She does not have any biological child owing to a medical condition. She filed this originating summons dated December 24, 2021 seeking to formally adopt Baby B.A. alias K.A.L.
2. Baby B.A. alias K.A.L. was presumed to have been born on July 29, 2020. She was on July 25, 2021 found abandoned within Miguye Village in Kochieng East Location within Nyando Sub County in Kisumu County. The child was rescued by a good samaritan, (Christine Akoth Opande) who reported at Rabuor Police Station vide OB No. 06/25/1/2021 and at Nyando Sub County Children's Office vide a letter Ref No. CCO/42/241/5/29/201/2021. The child was then taken to Mama Ngina Children's Home on January 25, 2021 for temporary placement for care and safety prior to her admission to New Life Home Trust – Kisumu on 27th January 2021. The child was formally placed to New Life Home Trust – Kisumu by the Children's Court in Nyando vide Protection and Care No. 1 of 2021 for a period of three years. The good samaritan was contacted on August 11, 2021 and confirmed that she had not heard of anyone looking for the abandoned child. The police efforts to trace the parents or relatives of the child were not successful as evidenced in their two letters. Nyando Sub County children's officer also confirmed that no one had visited their offices to claim the abandoned child. The child was declared free for adoption by Kenya Children's Home Adoption Society on August 18, 2021 vide Certificate Serial No. 798. The child has been with the applicant since September 23, 2021 when she was placed into her foster care.



3. On February 3, 2021 SAO was appointed by this court as the guardian ad litem. She and the Director of Children Services were ordered to separately carry out a social inquiry on the applicant to determine her suitability 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 had bonded well with her.
4. Considering that the child has not known any other home and parents since 2020, and considering that it's best interests is the paramount concern of this court, I will allow the adoption. The applicant has demonstrated her capability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parent of the child once adopted, and shall treat her as if she was born to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the mother of the child is hereby dispensed with as she was found abandoned.
5. Having been satisfied that all the legal requirements for a local adoption under the Children Act have been met, the following orders shall issue: -
 - a. the applicant GAO is hereby allowed to adopt Baby B.A. alias K.A.L.;
 - b. Baby B.A. alias K.A.L. shall henceforth be known as KAL;
 - c. the child's date of birth shall be July 29, 2020, and shall be presumed to be a Kenyan citizen having been found abandoned at Miguye Village in Kochieng East Location in Nyando Sub County in Kisumu County in Kenya;
 - d. JAO and TOB are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicant before she is of full age and fully self-reliant;
 - e. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
 - f. the guardian ad litem is hereby discharged.

DATED AND DELIVERED AT NAIROBI THIS 31ST DAY OF MAY 2022

A.O. MUCHELULE

JUDGE

