



REPUBLIC OF KENYA



**In re BG alias C (Baby) (Adoption Cause E006 of 2022)
[2022] KEHC 10873 (KLR) (Family) (23 June 2022) (Judgment)**

Neutral citation: [2022] KEHC 10873 (KLR)

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

FAMILY

ADOPTION CAUSE E006 OF 2022

AO MUCHELULE, J

JUNE 23, 2022

IN THE MATTER OF THE CHILDREN ACT, 2001

AND

IN THE MATTER OF BABY GIRL ALIAS C.

IN THE MATTER OF AN APPLICATION FOR

ADOPTION BY

IN THE MATTER OF

JMM APPLICANT

JUDGMENT

1. The applicant JMM is Kenyan citizen aged 36 years. She is a research scientist at HD Africa. She does not have any children. She got married to SW on the 31st May 2013 at [Particulars withheld]. On 20th January 2022 she filed this originating summons seeking to adopt BG Alias C.
2. BG Alias C. is estimated to have been born on 10th June 2019. The baby was found by a good samaritan to have been abandoned on 15th of January 2008 at Zimmerman. The incident was reported at Kasarani Police Station vide OB No. XX/XX/XX/2019. The baby was temporarily placed at Happy Life Children's Home Roysambu on the 17th June 2009. She was formally committed to the said institution by the Nairobi Children's Court in Protection and Care Case No. 1091 of 2019 on the 28th August 2019. The final police letter dated the 12th February 2020 indicated that all efforts to trace the parents or relatives of the child were not successful. On 13th November 2020 the child was declared free for adoption and certificate No. XXX issued by Buckner Kenya Adoption Society. The applicant has been with the child since the 28th August 2021 when it was placed with them for foster care.



3. On 10th February 2022 the court appointed PNK as the guardian ad litem and ordered her and the Director of Children Services to separately carry out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed. Both recommended the applicant to be allowed 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. The court finds that it is in the best interest of the child to be adopted by the applicant. 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 parents 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 husband has consented to this adoption. The child was found abandoned and therefore the mother's consent is dispensed with.
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 JMM is hereby allowed to adopt BG Alias C.;
 - b. BG Alias C. shall henceforth be known as SSCM- W;
 - c. the child's date of birth shall be 10th June 2019, and shall be presumed a Kenyan having been found abandoned at Kasarani in Nairobi County in Kenya;
 - d. AWS is hereby appointed as the child's legal guardian 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 23RD DAY OF JUNE 2022.

A.O. MUCHELULE

JUDGE

