



**In re B.M. (Baby) (Adoption Cause E097 of 2021)
[2022] KEHC 10876 (KLR) (Family) (23 June 2022) (Judgment)**

Neutral citation: [2022] KEHC 10876 (KLR)

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

ADOPTION CAUSE E097 OF 2021

AO MUCHELULE, J

JUNE 23, 2022

IN THE MATTER OF

SKL 1ST APPLICANT

GKN 2ND APPLICANT

JUDGMENT

1. The applicants SKL and GKN are a Kenyan couple aged 49 years and 41 years, respectively. The 1st applicant is a technician while the 2nd applicant is a housewife. The couple lived together as husband and wife since 2009 and solemnized their marriage on the June 29, 2018 at Registrar's Office in Nairobi County. They do not have any children. On 1 August 1, 2021 they filed this originating summons dated July 28, 2021 seeking to adopt Baby B.M.
2. Baby B.M. is estimated to have been born on the December 7, 2019. On the December 9, 2019 the child was found by a good samaritan to have been abandoned at a kiosk in Uthiru shopping Centre. The matter was reported at Kabete Police station and was recorded as O.B. No. 36/XX/XX/2019. He was temporarily placed at Nest Children's Home for safe custody. On the January 22, 2020 he was formally committed to the Home by the Nairobi Children Court in Protection and Care Case No. 55 of 2020. Police efforts to trace the mother or relatives of the child were not successful. On November 13, 2020 the baby was declared free for adoption and Certificate No. 414 issued by the Buckner Kenya Adoption Services. The applicants have been with the child since December 17, 2020 when the child was placed with them for foster care.
3. On December 2, 2021 the court appointed JNM 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 applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and



financially stable and suitable to adopt the child. It was also found that the child had bonded well with them.

4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted and shall treat him as if he was born to them. They have 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 their property. The applicants 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 parents of the child is hereby dispensed with as he 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 applicants SKL and GKN are hereby allowed to adopt Baby B.M.;
 - b) Baby B.M. shall henceforth be known as BBK;
 - c) the child's date of birth shall be December 7, 2019 and shall be presumed Kenyan citizen having been found abandoned in Uthiru in Kiambu County in Kenya;
 - d) HOL and MNC are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicants before he 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

