



**In re baby MK aka B (Infant) (Adoption Cause E004 of 2021)
[2022] KEHC 11607 (KLR) (5 August 2022) (Judgment)**

Neutral citation: [2022] KEHC 11607 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E004 OF 2021
MM KASANGO, J
AUGUST 5, 2022
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION
OF BABY MK AKA B (INFANT)
BY
SWK.....APPLICANT**

JUDGMENT

1. SWK is a female applicant seeking an order authorizing her to adopt the Baby MK aka B The baby is a male born on 25th November, 2015.
2. The baby was found abandoned in Athi River on 23rd December, 2015. He had been attacked by wild animal on his right hand fingers when he was found. He was taken to Ngoliba Health Centre by Police Officers for treatment. He was later referred to Kenyatta National Hospital for further treatment. That incident was recorded at Kenyatta Police post as O.B. No. xxxx. The baby was placed at Happy Life Children's Home on 5th April, 2016. On 13th July, 2016 the baby was committed for care of Happy Life Children's court Care and Protection Case No. 149 of 2016. That committal was renewed by the court on 11th September, 2019.
3. The police by their letter of 24th November, 2016 confirmed nobody had claimed the baby and that the search for the biological parents had been fruitless.
4. The Buckner Kenya Adoption Services declared the baby free for adoption on 14th July, 2017. The baby was placed under foster care of the applicant on 8th October, 2019.
5. As required under Section 194(1) of the Children's Act 2022 (the Act), I am satisfied that the baby was abandoned by his biological parent/s and accordingly, the biological parents' consent to this adoption is dispensed with.



6. Also, having considered the reports of children officer and the guardian ad litem, I do find that this adoption is in the best interest of the child. The children's officer had this to say in that report:-

“... this is a local adoption where the applicant fulfils the legal requirements under the Children's Act 2001(now amended by *children Act* 2022) and meet social parameters for adoption. The applicant has proved capable of taking on parental responsibility over the children (sic) in this matter.”

7. The guardian ad litem by his report stated that he knows the applicant and her wider family. This is what the guardian stated:-

“MK alias B (The baby) is not only loved by SWK (the applicant) but by the entire family which I have witnessed during the family gatherings and also during their last birthday party where he was showered with blessings.”

Disposition

8. Having made a finding that the adoption is in the best interest of the baby, I make the following orders:-

- (a) That the consent of the biological parent/s of Baby MK aka B is hereby dispensed.
- (b) The applicant is hereby authorised to adopt baby MK aka B and the child shall be known as VBK.
- (c) This Court hereby appoints AJGK as the legal guardian of the Baby VBK.
- (d) Baby VBK is hereby declared to be a Kenyan citizen born on 23rd November, 2015.
- (e) The Registrar General is hereby ordered to make appropriate entries in the Adopted Children's Register in respect to Baby VBK

9. Orders accordingly.

JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 5TH DAY OF AUGUST, 2022.

MARY KASANGO

JUDGE

Coram:

Court Assistant : Mourice

For Applicant :

COURT

Judgment delivered virtually.

MARY KASANGO

JUDGE

