



REPUBLIC OF KENYA



KENYA LAW
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**In re BT (Baby) [2021] eKLR (Adoption Cause E06 of 2020)
[2021] KEHC 428 (KLR) (20 December 2021) (Judgment)**

Neutral citation: [2021] KEHC 428 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E06 OF 2020
MW MUIGAI, J
DECEMBER 20, 2021**

JUDGMENT

1. Through an Application by Originating Summons dated 12th November, 2020 and filed in court on 13th November, 2020, the Applicants BM and HA sought to adopt Baby BT the child in this matter.
2. The child who is the subject of these adoption proceedings Baby BT was found abandoned outside [Particulars Withheld] Clinic in Githurai Kimbo by a Security Guard on the 6th August, 2018. The matter of abandonment was reported and booked at Githurai Kimbo Police Station vide OB NO. xxxx. New Life Home was requested by the Children's Officer to rescue the child and were able to admit the child to their Kilimani Campus on the same day and the child was picked up from Githurai Police Station. An age assessment at the New Life Home found the age of the child to be two months and gave the estimated date of birth as 12th June, 2018 and the child also received all the recommended immunization and respite care. Baby BT was committed to the care and protection of New Life Home Trust on 6th March, 2019 through the Children's Court at Nairobi. His committal is Protection and Case No. 258 of 2019. New Life reports that during his over six months stay in the Institution, no parent or relative have turned up to claim the child and neither have they received any information from the police department concerned regarding any claimants.
3. Little Angels Network filed a report dated 16th December, 2021 prepared by Ms Esther Kalee stating that the Pre-placement Interview and pre-adoption counselling were conducted on the 4th June, 2019. The Applicants were assessed and approved for adoption on 24th July, 2019. The child herein Baby BT was declared free for adoption on 9th October, 2019 and a declaration certificate Serial Number xxxxx was granted in his favour. The Applicants were later placed with Baby BT on 22nd November, 2019 from New Life Home Trust. Little Angels Network through a Social Worker conducted the relevant follow up sessions with the Applicants and the child and the bonding was found to be successful and they recommend that Mr. BM and Mrs HA to be allowed to adopt Baby BT as it is in the best interest of the child that the adoption orders be granted. Rose Duyu Social Worker from the Child Welfare Society of Kenya wrote a report dated 24/07/2019. She stated that the couple filed their joint adoption application to Little Angels Network on 21st May, 2019. The report recommended the suitability of the



Applicants as potential adoptive parents as they were found to be financially stable and to have met the legal and social pre-requisites to adopt a child according to the Childrens Adoption Regulations 2005.

4. On 9th October, 2019 upon review of the child's dossier the Adoption Committee declared the Child Free for Adoption under serial Number xxxxx.
5. The Applicants BM and HA were married on 21st December, 2016 in a church wedding at [Particulars Withheld] vide marriage certificate No. xxxxxxx. Mr. BM is a Civil Servant while HA is an Advocate. By the time the couple approached the Child Welfare Society of Kenya they had no child of their own. They do not have any special medical condition and that their decision to adopt was purely out of a spiritual calling and to give back to the society. The couple said that they were desirous to adopt a healthy male child. They have sired a child, son born in March, 2021.
6. The Director of Children Services through a Report dated 29th November, 2021 in respect of the proposed adoption of the child by the Applicants was prepared by Ms Mercy Muli Athi River Sub-County Children's Officer. The report contains background information of the Child's Adoptive Parents. The Applicants are gainfully employed with stable income and therefore financially capable. The couple reside in their residence permanent 5 bedroom home in [Particulars Withheld] Estate Utawala. The home visit of 24/11/2021 confirmed the couple bonded well with the child who was clean, well-nourished and happy. The minor has been enrolled in [Particulars Withheld] International School. The child was in a conducive environment and the author recommends the adoption.
7. The Guardian ad Litem, MU a Font End Web Developer by occupation who was appointed to substitute LA the previous Guardian Ad Litem appointed by the Court on 7th December, 2021 filed a report dated 14th December, 2021 on the suitability of the Applicants as potential adoptive parents and the welfare of the child while being fostered by the Applicants. The Report was filed on 14th December, 2021. During her visit to the Applicants' home and the interview of the Applicants, she noticed that the child had settled well in the family, is happy and quite comfortable in interacting with both parents and has also bonded well with his adoptive parents. There was also another biological son born in March, 2021 and has bonded well with the child. The Guardian ad Litem fully recommended the Adoption.
8. This Court finds that the adoption in question is in the best interest of the child as he will grow up within a family of his own instead of an institution. The Applicants have fulfilled all the legal requirements necessary for a local adoption and have been proven to be suitable potential adoptive parents. The filed Reports by the CWSK, Children Services and Guardian Ad Litem are favourable to adoption of the child by the Applicants.
9. The Applicants herein BM and HA were assessed and found to be financially stable from their incomes and well capable of raising the child. They have certificate of Good Conduct. The Applicants are well aware that an order of adoption grants the child inheritance rights to their property and they have no objection to it.

Disposition

10. The Applicants, BM and HA are hereby authorized to adopt the child Baby BT and the child shall therefore be known as ABKM. The place of birth shall be Githurai Kimbo, Nairobi – Kenya. He is therefore presumed to be a Kenyan citizen by birth.
11. The Legal Guardian are GKR and CJ.
12. The Registrar General is hereby directed to enter this order in the Adoption Register.
13. The Guardian ad litem is hereby discharged.



It is so ordered.

DATED AND SIGNED AT MACHAKOS THIS 16TH DAY OF DECEMBER, 2021.

M. W. MUIGAI

JUDGE

READ AND SIGNED IN OPEN COURT AT MACHAKOS THIS 20TH DAY OF DECEMBER, 2021.

G. V. ODUNGA

JUDGE

