



REPUBLIC OF KENYA



KENYA LAW
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**In re Baby Girl alias Baby A (Adoption Cause E002 of 2023)
[2024] KEHC 4729 (KLR) (8 May 2024) (Judgment)**

Neutral citation: [2024] KEHC 4729 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
ADOPTION CAUSE E002 OF 2023
AK NDUNG’U, J
MAY 8, 2024
IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER
AND
IN THE MATTER OF BABY GIRL ALIAS BABY A**

IN THE MATTER OF

AEM APPLICANT

JUDGMENT

1. The Applicant AEM has applied by Originating Summons dated 30th October, 2023 for an adoption order in respect of the Child known as Baby Girl alias Baby A. Other consequential orders are also sought, including the order that if the adoption order sought is granted the Child be henceforth known as RGA
2. The Applicant is married but has applied for the adoption order singly. She a Kenyan Citizen living in Kenya and has no child of her own.
3. The Child sought to be adopted was abandoned on 03/02/2018 at (Particulars withheld) along (Particulars withheld) and was estimated to be one (1) month old at the time of rescue. The matter was reported on 04/02/2018 at Makongeni Police Station by good Samaritans. On the same day, the Child was admitted at Mama Ngina Kenyatta Place of Safety for care and protection. The Child was formally committed to CWSK Mama Ngina Kenyatta Temporary place of Safety *vide* Milimani children’s Court Care and Protection Case No.124 of 2019 on 06/02/2019.
4. The Child Welfare Society of Kenya engaged in media tracing, physical tracing and social investigations but the Child has remained unclaimed. On 14/05/2019 the Child was placed under the care, protection and custody of the Applicant, and has been in her continuous and unbroken care, protection and custody up to the present. She is now about 6 years 4 months and nobody has come forward to claim the Child who was declared free for adoption by a Certificate dated 13/02/2019.



5. Upon perusal of all the material placed before the court, I am satisfied that all legal requirements for the adoption order sought have been met. I have also read all the necessary reports filed herein, including –
 - i. The Adoption Society, Child Welfare Society of Kenya, report dated 9th July, 2021
 - ii. The Directorate of Children Services report, Isiolo County dated 15/02/2024
6. I have considered the personal circumstances of the Applicant including her current occupation, income and social standing. From the material placed before the court, the Applicant has no history of any medical complications that can hinder her from giving the Child quality upbringing. The Applicant has been in continuous custody of the Child since 14/05/2019 and has taken the Child to school and is said to be in Grade 2.
7. The Applicant is said to be a committed Christian. She has brought up the Child in a Christian manner. The Adoption Society stated that since placement of the Child, the Applicant has demonstrated psychological preparedness and capability in taking care of the child. The Children's Officer also described the Applicant as socially, financially and emotionally stable person whose care and attachment to the child is not in doubt having taken good care of the child for the last six years.
8. The Children's Officer was satisfied that the general environment in which the Child lives was conducive for her upbringing and based on their findings and observation, the Children's Officer recommended that the Applicant be allowed to adopt the Child.
9. I am persuaded that the Applicant not only has the will to adopt the Child as her own biological child, but she has also demonstrated that she has the means to provide her with shelter, clothing, food, education and most importantly the parental care and protection that she needs and deserves. I have no doubt at all that she has provided and will continue to provide to the Child a conducive home for wholesome upbringing.
10. Finally, I am satisfied that the Applicant is financially and materially capable of giving a good and proper upbringing to the Child, and is already providing her with a conducive and loving home. The adoption order sought is in the best interest of the welfare of the Child.
11. I will in the circumstances grant the order sought. The Applicant be and is hereby authorized to adopt baby girl alias Baby A who shall henceforth be known as RGA The Child having been born in Kenya, is obviously a Kenya Citizen and her presumed date of birth shall be 4/01/2018. The Registrar General is hereby directed to enter this adoption order in the Adopted Children's Register.
12. The Guardian Ad litem is hereby discharged and Magdalene Nzisa Muthenya is hereby appointed as the legal guardian of the Child. It is so ordered.

DATED, SIGNED AND DELIVERED AT NANYUKI THIS 8TH DAY OF MAY, 2024

A.K. NDUNG'U

JUDGE

