



**In re HM (Baby) (Adoption Cause E003 of 2022)
[2023] KEHC 18579 (KLR) (15 June 2023) (Judgment)**

Neutral citation: [2023] KEHC 18579 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
ADOPTION CAUSE E003 OF 2022
FN MUCHEMI, J
JUNE 15, 2023
IN THE MATTER OF ADOPTION OF BABY HM**

IN THE MATTER OF

EWG APPLICANT

JUDGMENT

1. The applicant through the Originating Summons (OS) dated March 28, 2022 seeks for orders of adoption of baby HM to be known as JWW The OS prays for orders that the Registrar General be directed to enter the adoption order in the Adoption Register.
2. One AWK was appointed as a guardian *ad litem* of the child on May 24, 2022. On the same breath, the court directed the Adoption Society and the Director of Children to file the necessary reports. The applicant was represented by Ms Ambaka of Barbara Ambaka & Associates.
3. In her supporting affidavit, the applicant averred that she is an employee of a hospital within Nyeri County where she works as a Senior Nurse and has been declared a person of good conduct with sufficient income to support the baby and provide all the necessary support be it food, shelter, clothing and pay for the baby's education. Being a committed Christian, the applicant hopes to bring up the baby guided by christian faith and biblical principles. It is deposed that in 2013, the applicant adopted her first child known as DG whom she has looked after well. The applicant has annexed all the necessary documents including her identity card, certificate of good conduct, recommendation letters, consent of the proposed legal guardian, the Foster Care agreement and the report of the abandoned baby by Kabati Police Station.
4. A letter by the Director of Children Services dated June 17, 2016 to the effect that the baby was abandoned at Roadside Clinic by her mother one NT immediately after birth was attached to the summons. A report was made at Kabati Police Station and the Director of Children Services took up the baby of tender age for the necessary administration. The child was later placed at New Life Trust Children's Home in Nyeri.



5. The undated report of the Director of Children Services filed in court on March 6, 2023, gives the background information of the applicant including her profession, education, and describes her financial ability to adopt the baby. It also states that the foster order was given by Kigumo Court on April 16, 2018 following the child being declared free for adoption in March 29, 2018. The report ends by recommending the applicant as having met all the requirements for local adoption.
6. The Adoption Society Change Trust's report dated August 17, 2017 gives all the necessary information about the baby and the applicant and states that the applicant's application to be a foster parent was approved by the Society's Case Committee Trust on 17/8/2017 for she had met all the legal requirements.
7. I have perused all the documents in this file and heard the counsel for the applicant. It is my considered view that the applicant is aware of her legal responsibilities as an adopting parent which are equal to those of a biological parent. These include the fact that once the adoption order is granted, the applicant cannot go back to it and further that the adopted child shall have all the rights of a biological child.
8. It is my considered view that this adoption will serve the best interests of the child in that she will grow up in a home with a mother figure and be accorded sufficient parental care and support that she needs in life. All the requirements under the law have been satisfied by the applicant. I hereby allow the prayers sought in the Originating Summons in the following terms:-
 - a. The applicant EWG is hereby authorized to adopt baby HM and the baby shall be known as JWW.
 - b. That RMG is hereby appointed the legal guardian of the child.
 - c. That the Registrar General shall make the necessary entry in the Adoption Register.
9. It is hereby so ordered.

DELIVERED, DATED AND SIGNED AT NYERI THIS 15TH DAY OF JUNE, 2023.

F. MUCHEMI

JUDGE

JUDGEMENT DELIVERED THROUGH VIDEOLINK THIS 15TH DAY OF JUNE, 2023.

