

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT VIHIGA

ADOPTION CAUSE NO. 1 OF 2021

(formerly KAKAMEGA HCAC NO. 1 OF 2019)

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BA (MINOR)

JUDGMENT

1. The applicant, EMA, is a Kenyan citizen. He seeks to adopt BA. His Originating Summons is dated 16th January 2019.
2. The child in question is a male child, who was found abandoned on 10th May 2015 at Lusui shopping centre in a building under construction. He is estimated to have been born on 8th May 2015. He was rescued, and a report was made at the Eregi Police Patrol Base, the same day. He was referred to the Springs of Life Children's Home, where he subsequently was committed by the Kakamega Children's Court. The police confirmed, by a letter dated 31st March 2016, that no one came forward to claim the child. He was freed for adoption on 29th July 2016, by the Little Angels Network adoption society, by their certificate number xxxxx. The child was placed with the applicant in March 2017, and has been with him since.
3. To facilitate this adoption, the applicant has been assessed by the Little Angels Network, the Director of Children Services through the Vihiga County Children Services/Children's Officer and the guardian *ad litem*, WWS. The three have compiled and filed their reports in court. The report by the Director of Children Services is dated 16th September 2019, while that of the guardian *ad litem* is dated 31st December 2019. The reports by the Little Angels Network are dated 29th October 2016 and 31st March 2017. All these reports are favourable, and recommend the proposed adoption. The applicant has demonstrated that he has the financial and emotional capability and capacity to take care of the child. The child himself appears to have bonded well with the applicant and he considers him to be his parent.
4. In the opinion of this court it would be in the best interests of the child that he is adopted by the applicant. The applicant will be able to provide a home and a family for the child to grow up in. Consequently, the applicant shall assume all parental rights and duties of the biological parent in respect of the adopted child; and shall treat the adopted child as if he was born to him. The applicant has been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child, and that the child shall have the right to inherit his property in the event of his decease. The applicant cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
5. I am satisfied that all the legal requirements for a local adoption have been met, and I, therefore, make the following orders: -
 - (a) **That the applicant, EMA, is hereby allowed to adopt the child, BA, who shall hereafter be known as JMA;**
 - (b) **That the said child is Kenyan by birth, and was born on 8th May 2015;**
 - (c) **That the Registrar-General is hereby directed to enter this adoption order in the adoption register; and**
 - (d) **That the guardian *ad litem* is hereby discharged.**

DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 17th DAY OF September, 2021

W. MUSYOKA

JUDGE