



In re Adoption of Abandoned Baby alias Unkown Baby TM alias Baby AZ (Minor) (Adoption Cause E110 of 2024) [2024] KEHC 10506 (KLR) (Family) (29 August 2024) (Judgment)

Neutral citation: [2024] KEHC 10506 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E110 OF 2024
H NAMISI, J
AUGUST 29, 2024
IN THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA
AND

**IN THE MATTER OF ADOPTION OF ABANDONED BABY
ALIAS UNKNOWN BABY TM ALIAS BABY A.Z. (MINOR)**

S.G.N 1ST APPLICANT

G.W.K 2ND APPLICANT

JUDGMENT

1. The Applicant filed an Originating Summons dated 13 May 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. (spent)
 - ii. (spent)
 - iii. That the Applicants be authorised to adopt abandoned baby alias unknown baby TM alias baby A.Z to be known as M.M.G;
 - iv. That the child be presumed a Kenyan citizen by birth;
 - v. That the child’s date of birth be 10 April 2023 and the place of birth be Machakos County;
 - vi. That the Registrar General be directed to enter the adoption in the Adopted Children Register;
 - vii. That the Director Immigration be authorised to issue the child with a Kenyan passport;
 - viii. That the 2nd Applicant’s sister, J.C.W.K, and her husband, A.M.W, be appointed as legal guardians of the child in the event of the death or incapacity of the Applicants before the child is of age or independent;



- ix. That the Court be pleased to make any further orders it deems necessary.
2. The matter was canvassed by way of viva voce evidence on the virtual platform.

The Child

3. The child (male) is presumed to have been born on 10 April 2023. He was found abandoned at Kyumbi area, Machakos County and rescued by a good Samaritan. The matter was reported at the Kyumbi Police Station vide OB No 3/14/04/2023. The child was committed to Mahali pa Maisha on 8 May 2023 by the Children's Court at Machakos in Case No 18 of 2023.
4. The child was declared free for adoption on 26 October 2023 by the Change Trust, a registered Adoption Agency, vide the annexed Certificate serial number 006XXXX. I am, therefore, satisfied that this legal pre-requisite for an adoption has been met.
5. The child, currently 15 months old, was placed with the Applicants on 8 October 2023.

The Applicants

6. The Applicants are Kenyan citizens, residing in Nairobi. They are a married couple and have been married since 12 June 2010. They have one daughter, aged 8 years, who was adopted in October 2018.
7. The 1st Applicant is a cyber security engineer, while the 2nd Applicant is Channel Manager. The Applicants testified that having the child has been a wonderful experience. The child has really bonded with their daughter as well as the extended family. The Applicants confirmed that they fully understand the implications of an adoption order and that the same is irreversible.
8. The Applicants proposed JCWK and AMW to be the legal guardians of the child. JCWK is a sister to the 2nd Applicant and AMW is the 2nd Applicant's brother-in-law. They confirmed that they fully understand the implications of the order and had willingly consented to the appointment.

The Adoption Application

9. I have considered the Summons, the evidence on record as well as the various reports filed in a bid to determine whether the Applicants are suitable adoptive parents.
10. Change Trust conducted an assessment of the Applicants. The Agency filed its report dated 26 September 2023 declaring the child free for adoption and recommending the adoption.
11. On 30 May 2024, the Court issued an order appointing WGN as the child's Guardian *ad Litem*, and further directing the Guardian *ad Litem* and Director of Children's Services to investigate the suitability and fitness of the Applicant and subsequently file their respective reports.
12. The Guardian *ad Litem* filed his report dated 4th June 2024, recommending the adoption. The report notes that the child has bonded well with the Applicants and their daughter and is learning and able to communicate with the Applicants in Kikuyu and English. The Directorate of Children's Services filed its report dated 25 June 2024, recommending the adoption of the child by the Applicants herein.
13. From the material availed and oral testimonies, I am satisfied that the Applicants are quite suited to be adoptive parents.
14. Accordingly, I allow the Originating Summons and make the following orders:
 - i. That the Applicants, S.G.N and G.W.K, are allowed to adopt the child currently identified as Abandoned Baby alias Unknown Baby Taji Malaika alias A.Z;



- ii. That henceforth, the child will be known as M.M.G;
- iii. The child is declared to be a Kenyan citizen by birth, entitled to all the rights and privileges under the Constitution of Kenya and all applicable laws;
- iv. J.C.W.K and A.M.W are appointed as legal Guardians of the child,
- v. The Guardian *ad Litem* is hereby discharged;
- vi. That the Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;

DATED AND DELIVERED AT NAIROBI THIS 29 DAY OF AUGUST 2024

HELENE R. NAMISI

JUDGE

Delivered on a virtual platform in the presence of
Ms. Wangui h/b Ms. Kiguatha.....for the Applicants

