



**In re Baby AA (Minor) (Adoption Cause E039 of 2024)  
[2024] KEHC 10461 (KLR) (Family) (29 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 10461 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E039 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 BABY AA(MINOR)**

**IN THE MATTER OF**

**AMM ..... 1<sup>ST</sup> APPLICANT**

**GWG ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants filed an Originating Summons dated 7 February 2024 Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
  - i. That the Applicants, A.M.M and G.W.G, be allowed to adopt the child currently identified as BABY A.A;
  - ii. That henceforth, the child be renamed as W.M.M;
  - iii. That the child’s date and place of birth be declared to be 1 August 2022 in Nyeri County;
  - iv. That the child be presumed to be a Kenyan citizen by birth, and consequently entitled to all the rights and benefits in respect thereof;
  - v. That J.K. and M.K. be appointed as legal guardians of the child, in the event that the Applicants herein are incapacitated or in any way unable to discharge their parental obligations;
  - vi. That the Guardian ad litem be discharged



- vii. That the Registrar General be directed to make the appropriate entries in the Adopted Children's Register;
  - viii. That the court do issue such further orders as are in the interest of justice.
2. The matter was canvassed by way of viva voce evidence on the virtual platform on 27 June and 18 July 2024.

### **The Child**

3. The child (female) was presumably born on 1 August 2022. She was found abandoned in a forest quarry at Chaka, in Kieni East sub-County. The abandonment was reported to the Chaka Police Post vide OB No. 08/07/08/2022 and then referred to the Naro Moru Police Station vide OB No. 20/07/08/2022. The child was admitted at the Neema House Infant Rescue Centre on 7 August 2022.
4. The child was formally committed to the home by the Children's Court at Nanyuki in case No. E031 of 2022. She was placed with the Applicants on 19 September 2023. The child was declared free for adoption by Buckner Kenya Adoption Services on 5 September 2023 under certificate number 0700 I am, therefore, satisfied that this legal pre-requisite for an adoption has been met.

### **The Applicants**

5. The Applicants are Kenyan citizens, aged 37 and 36 years, respectively. They have been married since 2014 and reside in Nairobi. The 1st Applicant is employed as an Accountant, while the 2nd Applicant is a Finance Consultant. The Applicants have one adopted child, aged 4 years.
6. The Applicants indicated that their motivation for adopting this child is their desire to provide a home for the child and to love the child. They also wish to grow their family. Since 2021, when they adopted their first child, it has been nothing but joy. The child has bonded well with the older sibling and enjoys being outdoors.
7. The Applicants presented copies of their Bank Statements, pay slip, Medical Reports and Certificates of Good Conduct as proof that they are financially, emotional and socially capable of handling parental responsibilities and raising the child in a loving, nurturing environment. They confirmed that they fully understood the implications of an Adoption Order and that the same is irreversible.
8. The Applicants proposed J.K. and M.K to be the legal guardians of the child. The proposed legal guardians are a couple and had filed their consents dated 1 February 2024. The proposed legal guardians are the maternal uncle and aunt to the 1st Applicant. They confirmed that they fully understand the implications of the order and had willingly consented to the appointment.
9. Efforts to trace the biological parents of the child proved futile. A final letter dated 29 August 2023 from the Narumoru Police Station indicates that no relative had shown up to claim the child. In the circumstances, there exists no known person from whom consent for this adoption can be sought and/or obtained. I, therefore, waive this requirement in line with section 185 (4)(b) of the *Children Act*, Cap 141 of the Laws of Kenya.

### **The Adoption Application**

10. 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.



11. Buckner Kenya Adoption Services conducted an assessment of the Applicants and filed a report dated 27 May 2024.
12. On 11 April 2024, the Court issued an order appointing JK 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.
13. The Guardian ad Litem filed his report dated 3 June 2024, recommending the adoption. The Directorate of Children's Services, Nairobi County filed its report dated 20 May 2024, recommending the adoption of the child by the Applicants herein.
14. From the material availed and oral testimonies, I am satisfied that the Applicants are quite suited to be adoptive parents.
15. Accordingly, I allow the Originating Summons and make the following orders:
  - i. That the Applicants, A.M.M. and G.W.G, are allowed to adopt the child currently identified as Baby A.A;
  - ii. That henceforth, the child shall be known as W.M.M;
  - 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.K and M.K 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<sup>TH</sup> DAY OF AUGUST 2024.**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on a virtual platform in the presence of:-

Ms. Kimenyi for the Applicants

