



**In re GLM alias Z alias GNG (Baby) (Adoption Cause E160 of 2024)  
[2024] KEHC 16805 (KLR) (Family) (16 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 16805 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY**

**ADOPTION CAUSE E160 OF 2024**

**BM MUSYOKI, J**

**AUGUST 16, 2024**

**IN THE MATTER OF ADOPTION OF BABY GLM ALIAS ZAGNG**

**IN THE MATTER OF**

**LWG ..... APPLICANT**

**JUDGMENT**

1. The applicant has by originating summons dated 20<sup>th</sup> August 2023 prayed the court to grant her the following orders.
  1. The applicant be authorised to adopt the child herein Baby GLM alias Z who is also known as GNG.
  2. MWG be appointed as the legal guardian of the child in the event of the demise or incapacity of the applicant before the child is of full age and fully self-reliant.
  3. The court do dispense with the parents’ consent.
  4. The Registrar General be directed to make an entry of this adoption in the adopted children’s register.
  5. The registrar responsible be directed to issue a birth certificate to the child in the name of GNG.
2. The child was found by one Agnes Barongo Oluoch abandoned at a farm in Riverside estate in Nairobi on 19-07-2018. The incident was reported by one Patrick Tarai at Embakasi police station vide occurrence book entry number 43/19/7/2018. The child was then rushed to AAR Hospital and later to Mama Lucy Kibaki Hospital where she was incubated and treated. After the necessary processes at the hospital were done, the child was admitted to Home of Hope Dream Centre on 9<sup>th</sup> August 2018. On 29-8-2018, the Nairobi Children’s court committed the child to the same home for three years through its protection and care case number 471 of 2018.



3. Later the applicant made an application for legal guardianship in *Milimani Children Court vide Miscellaneous application number 49 of 2020*. The court issued a decree in the said application on 7-12-2020 granting the applicant legal guardianship of the child. The parents or relatives of the child have never been traced. The applicant lives with the child to date.
4. Kenya Children's Home Adoption Society conducted social inquiry on the child and upon verification of the above information on the child, it declared the child free for adoption in its committee sitting of 21-06-2023 and proceeded to issue a certificate to that effect serialised as number 913. The committee's report and the certificate were produced as annexure 'LW7' in the affidavit of the applicant dated 20<sup>th</sup> August 2023. The same adoption society evaluated the applicant and found her fit and suitable as an adoptive parent. This was in its report dated 24-01-2021.
5. The applicant appeared before me on 4-07-2024 and testified by adopting her statement and affidavit dated 20-08-2023. She told the court that she was aware of the implications of having the adoption order. She specifically said that she was aware that once the orders for adoption are granted, the same are irreversible. She also understood that the child attains the right like those of a biological child including the right to inheritance. With this knowledge, she confirmed that she was still willing and applying that the adoption order be granted.
6. I also heard from Lydia Njeri Gitau holder of identity card number xxxxxxxx. She told the court that she was appointed as a Guardian Ad Litem on 16-05-2024. Upon the appointment, she embarked on her duties and interviewed the applicants and assessed the child. In her opinion, the applicant was suitable to adopt the child. She observed that she had interacted with both the applicant and the child and recommended that the adoption orders be granted. She produced her report dated 3-06-2024.
7. MWK was the appointed Legal Guardian. She told the court that she had voluntarily accepted to be the Legal Guardian of the child. She confirmed that she signed the affidavit dated 20-08-2023 in which she accepted and committed to be the Legal Guardian. She confirmed that she understood her mandate as a Legal Guardian especially the position that she will be required to take up the parental responsibilities over the child in the event the applicant will not be able or available for the child either through death or incapacity.
8. I also took evidence of Ezekiel Kimani who said that he is an Assistant Director of Children Services in the department of children services. He told the court that the department had assessed the applicant and the child and found the adoption herein suitable. He produced report dated 20-05-2024 signed by himself and Mary Atati an Assistant Director Children Services. The report indicates that the child was declared free for adoption by Buckner Kenya Adoption Society whereas the evidence and record I have show that the child was so declared by Kenya Children's Home Adoption Society. However, I find this to be an error and immaterial since the correct society has prepared a report to that effect.
9. I also had an opportunity to engage the child. She informed me that she was 5 years old and staying with her mother. She referred to the applicant as her mother. She stated that she attends Bidii Primary School. I noted from the engagement that the child was happy, comfortable and interacting well with the applicant.
10. I have considered the evidence produced before me. I have also gone through reports by Kenyan Children's Home Adoption Society, the department of Children Services, the Guardian Ad Litem, Mama Lucy Kibaki Hospital, the Hope of Home Dream Centre and Embakasi police station. The child was abandoned at the age of 2 days. She has grown knowing the applicant as the only parent. The applicant was placed with the child on 7-12-2020 when she was barely two and half years. She is now



five and going to school courtesy of the applicant. I have also noted the bond between the applicant and the child.

11. This is a matter which concerns a child. The central point of consideration should be the child's welfare and best interest of the child. The reports prepared by the relevant bodies and authorities recommend that this court grants the adoption orders. I am convinced and satisfied that granting of the originating summons herein will serve the best interest of the child. She has a home which seemed as a mirage on the date she was abandoned in a farm.
12. In the above moving circumstances, I see no other alternative than to grant the orders prayed in the originating summons dated 20-08-2023. It is therefore ordered as follows;
  1. The LWG is be authorized to adopt Baby GLM alias Z alias GNG.
  2. MWG is hereby appointed as the Legal Guardian of the child.
  3. The Registrar General is directed to make an entry of this adoption in the adopted children's register.
  4. The Registrar is directed to issue a birth certificate to the child in the name of GNG.

**DATED SIGNED AND DELIVERED AT NAIROBI THIS 16<sup>TH</sup> DAY OF AUGUST 2024.**

**B.M. MUSYOKI**

**JUDGE OF THE HIGH COURT.**

Judgment delivered in the presence of Mr. Njuguna for the applicant.

