



**In re NI (Baby) (Adoption Cause E067 of 2023)  
[2024] KEHC 16806 (KLR) (Children's) (12 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 16806 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CHILDREN'S  
ADOPTION CAUSE E067 OF 2023  
BM MUSYOKI, J  
AUGUST 12, 2024**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. The applicants have brought this originating summons praying for the following orders;
  1. The applicants be authorised to adopt baby NI and the child be called NKC.
  2. HMM and JWM be appointed legal guardians of the child.
  3. The Registrar General be ordered to make appropriate entries in the adopted children's register in respect of NKC.
  4. The child be entitled to a Kenyan passport.
2. The applicants are a husband and wife who married on 29<sup>th</sup> July 2017. They swore a joint affidavit dated 1-03-2024 and also testified before this court on 27-06-2024. They also recorded statement dated 6-03-2024 which they adopted for the use of the court in these proceedings. The court was told that the applicants are Kenyan citizens with good health and enough resources to take care and bring up the child. The applicants produced among other documents, their national identify cards, marriage certificate, their photographs and those of the child, their certificates of good conduct, certificate of their business, bank accounts statements, title deed for their matrimonial home and other documents and reports from adoption agency and records from the children's department. The applicants stated that they knew the effect of the adoption orders and that the same once made are not reversible.
3. The child is estimated to have been born on 15<sup>th</sup> January 2022. He was found abandoned near Narok County Referral Hospital by a good samaritan known as Samuel Mwangi. Mr. Mwangi reported



the discovery to Narok Police Station under occurrence book entry number 60/17/01/2022 after which the child was admitted in Narok County Referral Hospital for treatment and observation and discharged on 25-01-2022. After leaving hospital, the child was committed at Olmalkia Children's Home on 26-01-2022 by the Narok Chief Magistrates Court vide its protection and care cause number E009 of 2022 for a period of six months which period was on 28-10-2022 extended for 2 years. During this period, the police and the home were not able to trace the parents or relatives of the child.

4. Little Angels Network an adoption agency carried out necessary inquiries and evaluation of the child's status and by report dated 1<sup>st</sup> November 2022 the agency declared the child free for adoption and proceeded to issue a certificate to that effect. The certificate was issued on 18-11-2022 with serial number 00XX00. The agency's report which was signed by Esther Kalee and Grace Ekambi was produced in court. Little Angels Network also prepared pre-placement report dated 6<sup>th</sup> August 2022. The above report approved the applicants to be adoptive parents. The agency's reports were produced by its employee Joshua Mwalimu Wambua.
5. I also heard the Guardian Ad Litem one ROG who was appointed by this court 11-04-2024. He told the court that he did his work of investigating, assessing and interviewing the applicants and assessed the welfare of the child. He prepared his report dated 28-05-2024. He recommended the adoption. He observed that the applicants were loving with emotional maturity and stability to provide the necessary care to the child. He also noted that the applicants and the child had bonded well.
6. Miss Harriet Kihara a Principal Children Officer in the department of children services. She stated that the department had done an inquiry and assessment of the applicants and the child and filed its report dated 27<sup>th</sup> May 2024. The report was executed by Mary Atati an Assistant Director of Children Services and Nancy Waswa, a County Coordinator in the department. The department has no objection to the adoption and recommends that adoption order be granted.
7. The appointed Legal Guardians, JWM and HMM appeared before me and confirmed that they had consented to the appointment as Legal Guardians. They told the court that they were aware of their responsibilities as Legal Guardians. They also confirmed that they understood that their role as Legal Guardians was to step in the shoes of the applicants in the event that the applicants were not able or available to the child. They told the court that in case of such eventuality, they will take up the role as the parents of the child. Their consent to the appointment dated 12-12-2021 is in court's record court.
8. I am convinced that the originating summons is merited and all the necessary reports and procedures have been adhered to. The child was abandoned at a very young age. The applicants came in to offer him a life with happiness and care of a family. I also observed the child online and he appeared very happy and comfortable with the applicants. I hold the view that it will serve the best interests of the child if the adoption order is granted. I have no hesitation or misgivings on the applicants.
9. I proceed to allow the originating summons in the following terms;
  1. DCK and EWG are authorised to adopt Baby NI.
  2. The child will henceforth be named and referred to as NKC.
  3. HMM of identity card number 285XXX86 and JWM of identity cards number 285XXX86 are hereby appointed Legal Guardians of the child.
  4. The Registrar General is ordered to register this adoption in the adoption register.
  5. The child is declared to be a Kenyan citizen and shall enjoy and be granted rights, privileges and benefits available to a Kenyan citizen by birth.



6. The Guardian Ad Litem is discharged.

**DATED SIGNED AND DELIVERED AT NAIROBI THIS 12<sup>TH</sup> DAY OF AUGUST 2024.**

**B.M. MUSYOKI**

**JUDGE OF THE HIGH COURT.**

Judgment delivered in the presence of Mr. Ogutu for the applicants.

