



**In re Baby B aka M (Adoption Cause E232 of 2023)
[2024] KEHC 16821 (KLR) (Family) (12 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 16821 (KLR)

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

FAMILY

ADOPTION CAUSE E232 OF 2023

BM MUSYOKI, J

AUGUST 12, 2024

IN THE MATTER OF BABY B A.K.A M

AND

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
NAHASHON NJOGO NDIRITU.....1ST APPLICANT
JACINTA WANGUI MAINA.....2ND APPLICANT**

IN THE MATTER OF

NNN 1ST APPLICANT

JWM 2ND APPLICANT

JUDGMENT

1. The applicants brought this matter by way of an originating summons dated 17th August 2023. The same was supported by affidavit of the applicants dated 17th August 2023. The originating summons prays that;
 - a. The applicants be allowed to adopt the child currently known as Baby B a.k.a. M.
 - b. Henceforth the child be renamed as MSN.
 - c. The child’s date and place of birth be declared to be 12th April 2021 in Nairobi County.
 - d. The child be presumed to be a Kenyan Citizen by birth and consequently, be entitled to all the rights and benefits in respect thereof.
 - e. LWN and KGN 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.



2. The matter was heard on 20-06-2024 where the applicant called five witnesses. The child was found abandoned in Zimmerman in Githurai. She was two years ten months when she was found. A good samaritan who found her reported the incident at Kasarani police station vide occurrence book entry number 37/14/04/2021. The child was placed in Happy Children's Home Nairobi. The child was formally committed to the said children's home through Nairobi Children Court protection and care cause E261 of 2021.
3. The applicants are Kenyan citizens aged 46 and 47 years respectively. They are married and have not yet been blessed with their own biological children. I am satisfied from the evidence produced before me that they have the financial capacity to take care of the child. In their testimony, they expressed themselves to me that they understood the effect of an adoption order and that they are ready to discharge their parental responsibilities in respect of the child. Their motivation to adopt is that they desire to fulfil their aspirations of being parents and give the child a home.
4. The applicants were assessed and evaluated by Buckner Kenya Adoption Services. The adoption agency prepared its report upon evaluation of the applicants as prospective adoptive parents through their committee sitting on 4-11-2022. The report which was signed by one Mary Kamiri a social worker was produced as evidence.
5. Following the positive report from the adoption agency, the child was placed in the care of the applicants by Happy Life Children's Home on 17-01-2023. Since then, the applicants have been living with the child. On 23-11-2023, this court appointed GN as the Guardian Ad Litem who proceeded to visit the applicants and made a report on their suitability to adopt the child. The Guardian Ad Litem found that the child was well received and bonded with the applicants. The guardian filed her report to that effect dated 30-04-2024. The Guardian also testified before the court and produced her report.
6. I have also heard from LWN and KGN who the applicants proposed to be appointed as the legal guardians of the child. In their testimony before me, they stated that they understood their mandate as being appointed as legal guardians and they were ready to take up the responsibilities. The said legal guardians confirmed having executed their joint affidavit dated 16th August 2023.
7. Mr. Ezekiel Kimani from the Department of Children Services produced a report dated 28-02-2024 which was prepared by himself and counter signed by Ms Mary Atati. Upon their visit and evaluation of the applicants and the child, the department recommended the adoption and had no objection to the adoption orders being granted.
8. Based on the above, I am satisfied that it will be in the interest of the child that the originating summons be allowed in the terms proposed by the applicants and I consequently make the following orders.
 1. NNN and JWM are hereby allowed to adopt the child currently known as Baby B a.k.a. M.
 2. Henceforth the child shall be renamed and referred to as MSN.
 3. The child is presumed and declared to be a Kenyan Citizen by birth and his date and place of birth are declared to be 12th April 2021 in Nairobi County.
 4. The child shall be entitled to all the rights and benefits of a Kenyan Citizen.
 5. LWN and KGN are hereby appointed as Legal Guardians of the child.
 6. The Guardian Ad item is hereby discharged.

DATED SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF AUGUST 2024.



B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

Judgement delivered in presence of Miss Kimenyi for the applicants.

