



**In re GD (Child) (Adoption Cause E083 of 2022)  
[2023] KEHC 17417 (KLR) (Family) (27 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 17417 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E083 OF 2022  
DKN MAGARE, J  
APRIL 27, 2023  
IN THE MATTER OF THE CHILDREN'S ACT NO. 29 OF 2022  
IN THE MATTER OF ADOPTION OF BABY GD**

**IN THE MATTER OF**

**SMW ..... APPLICANT**

**JUDGMENT**

1. The applicant herein made an application for adoption of the minor herein Baby GD. The court made an order for the directorate of children services and the guardian ad litem to make a report regarding the suitability of the applicant to adopt.
2. Rose GW, the guardian ad litem made her report on 29/3/2023. Her report was concise and to the point and as such I am of the view that she could have done better. However, on testimony she acquitted herself. She produced the requisite statutory report dated 29/3/2023. She avers that the applicant has means to take care of the minor.
3. The applicant testified that she has 3 biological children. She was married but stopped when the marriage was failing. She restarted the process. The minor was placed in her care on January 27, 2021 when he was 19 months. The minor has bonded well with her other children and is a playmate to the current last born, K.

She has raised the minor since the minor was placed in her custody till now. The minor is now 3 years and in play school. The directorate of children services field its report date 12/4/2023 signed on 14/4/2023. It is signed by Harriet Kihara and countersigned by the assistance director of children services, Mary Atati. Ms Kihara testified and recommended the adoption.



4. KKPI produced the requisite certificates No xxx showing the child was declared free for adoption on October 27, 2022. They have the history of the child as an abandoned child who was rescued by a good Samaritan who had collected the minor in Nairobi.
5. The child was placed in Happy life children's home and subsequently committed by the court to the same institution on 6/11/2020. The child was declared free for adoption on October 27, 2021. The child was placed under the applicant's custody on September 27, 2021.
6. The Applicant does has three other children of her own and is well settled in the Leavy residence of Karen. I have perused the financial reports and I am satisfied of their financial stability. I also examined her in court on her home and noted that the home is suitable and able to raise the minor herein.
7. I am satisfied that they have bonded well. The minor is in a good home. I am satisfied that the children will be in a good home.
8. The legal guardian, CGW confirmed that she signed the consent to act as a legal guardian and understood her role well.
9. She confirmed KKPI issued certificates confirming that the child in this matter is free for adoption. They also assessed the Applicant found suitable and duly counselled on adoption.
10. Having listened to the evidence and perused the requirements for adoption, I find that the originating summons dated May 20, 2022 is merited and as such I allow the same.

### **Disposition**

11. The originating summons dated 20/5/2022 is hereby allowed as follows: -
  - a. Applicants, SMW is hereby allowed to adopt a minor known as Baby GD to be known as NKW.
  - b. The Registrar General is hereby directed to enter this adoption in the register of Adoption and issue a birth certificate for the minor.
  - c. The date of birth be taken as February 9, 2020.
  - d. CGW is hereby Appointed as the legal guardian of the child.
  - e. The director of immigration be authorized to issue the minor with a passport.
  - f. The child to be presumed to be born in Nairobi, Kenya.
  - g. The *guardian ad litem* is hereby discharged.
12. The file is sealed and closed.

**DELIVERED, DATED AND SIGNED AT NAIROBI ON THIS 27<sup>TH</sup> DAY OF APRIL, 2023.  
JUDGMENT DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

**KIZITO MAGARE**

**JUDGE**

**In the presence of:**

Miss Wanjeru for the Applicant

Steve/Firdaus - Court Assistant.



