



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Baby PP (A Child) (Adoption Cause E018 of 2022)  
[2023] KEHC 21926 (KLR) (10 August 2023) (Judgment)**

Neutral citation: [2023] KEHC 21926 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E018 OF 2022**

**A MSHILA, J**

**AUGUST 10, 2023**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the 25<sup>th</sup> day of May, 2022 and is premised under the provisions of Article 14(4) of the Constitution of Kenya, Sections 158, 159, 160 of the Children's Act and Section 24 of the Interpretations and General Provisions Act and Section 3A of the Civil Procedure Act. The applicants seek the following Orders;
  - a. That CWN be appointed as guardian ad litem of baby PP;
2. That the Applicants PNN and MGN be authorized to legally adopt babyPP who will be known as SNN;
  - a. That baby PPbe presumed to be a Kenyan citizen;
  - b. RWM be appointed as next of kin and legal guardian to babyPP;
  - c. The Registrar General do make the appropriate entry of SNN in the Adopted Children's Register.
3. The application was supported by a joint statement and Affidavit made by the Applicants; The Guardian Ad Litem CWN was appointed on December 1, 2022; This court directed the Director of Children's Services and the Guardian Ad Litem to carry out a home visit and do investigations and to file their Reports.
4. After visiting and interrogating the Applicants the Githunguri Sub-County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt baby PP; the reports were duly filed in court and are dated April 23, 2023 and April 24, 2023 respectively; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.
5. The baby PP who is male was born on May 4, 2018 at [particulars withheld] Maternity & Medical Centre and was offered for adoption by his mother LWK as she stated that she was a widow and in no position to raise the child and she duly signed an Affidavit of Consent dated August 7, 2018; The baby PP was admitted to House of Charity Childrens' Home, for temporary shelter, care and protection



whilst awaiting committal; under the Protection and Care Case No 481 of 2019 the Children's Court sitting at Nairobi baby PP was formally committed vide Order issued on August 22, 2018 to the aforesaid institution for protection and care until his fostering; On August 7, 2018 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number 7XXXXX2 was issued by the KKPI Adoption Society.

6. After reading and taking into consideration the contents of these Reports and the court was satisfied that all the legal requirements had been adhered to notably; the Applicants are Kenyan citizens and they solemnized their marriage in Church in as evidenced by the copy of the attached Certificate of Marriage Serial No 48XXXXX11; at the time of filing this application the prospective adoptive parents PNN was aged 47 years and MGN was aged 42 years and therefore both their ages fall within the prescribed legal parameters; The Applicants have no biological children of their own but have one adopted daughter named BNN who is in Grade One at Grather Academy; PNN is a businessman and runs a hardware shop in Githunguri whereas MGN is in gainful employment as a Receptionist and have produced into court copies of Title documents and Bank Statements to prove their financial capability to support Baby PP when they assume responsibility of his upbringing.
7. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the families of the applicants or any individual characteristics or lifestyle that would be detrimental to the baby;
8. It is noted that the consent of the proposed Legal Guardian has been duly filed.
9. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt Baby PP and it is satisfied that the order for adoption will be in the best interest of the baby.

### **Findings & Determination**

10. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
11. The Applicants are hereby authorized to adopt baby PP; he shall be known as SNN.
12. That babySNN be presumed to be a Kenyan citizen;
13. The Registrar General is hereby directed to enter this adoption order of SNN in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name SNN .
- d. The Guardian Ad Litem CWN is hereby discharged and RWM be appointed as next of kin and legal guardian to baby SNN until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 18<sup>TH</sup> DAY OF AUGUST, 2023.**

**HON.A. MSHILA**

**JUDGE**

**In the presence of;**

Mourice – Court Assistant

Kamenju– for Applicants

