



**In re Baby MW (Adoption Cause E074 of 2021)  
[2022] KEHC 10341 (KLR) (Family) (31 May 2022) (Judgment)**

Neutral citation: [2022] KEHC 10341 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E074 OF 2021**

**AO MUCHELULE, J**

**MAY 31, 2022**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF BABY M.W. AKA ABANDONED BABY AKA UNKNOWN BABY GIRL**

**IN THE MATTER OF**

**A K W ..... 1<sup>ST</sup> APPLICANT**

**J N N ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants AKW and JNN are a Kenyan couple aged 51 and 49, respectively. They married under Kikuyu Customary Law in 1996, and the marriage solemnized at the Attorney General Chamber's on 26<sup>th</sup> January 2016. The 1<sup>st</sup> applicant is an electrical technician and the 2<sup>nd</sup> applicant is a business lady. They do not have any biological child. They filed this amended originating summons dated 19<sup>th</sup> January 2022 seeking to adopt Baby M.W. aka Abandoned Baby aka Unknown Baby Girl.
2. Baby M.W. aka Abandoned Baby aka Unknown Baby Girl was presumed to have been born 25<sup>th</sup> July 2015 in Nakuru. She was found abandoned at Gilgil Township behind [particulars withheld] by a good samaritan. The matter was reported at Gilgil Police Station vide OB No. [particulars withheld]. The child was transferred to Haven of Hope Baby Centre via the Nakuru District Children's Office on 30<sup>th</sup> July 2015 for temporary placement for care and safety. The child was formally placed to Haven of Hope Baby Centre by the Children's Court in Nakuru vide Protection and Care No. 313 of 2015 on 3<sup>rd</sup> August 2015 for a period of three years. The police efforts to trace the parents or relatives of the child were not successful as evidenced in their two letters. Haven of Hope Baby Centre indicated that no one had visited their institution to claim the child. The child was declared free for adoption by



Buckner Kenya Adoption Services on 8<sup>th</sup> July 2016 vide Certificate Serial Number 0122. The child has been with the applicants since 26<sup>th</sup> September 2016 when she was placed into their foster care.

3. On 4<sup>th</sup> November 2021 PWM was appointed by this court as the guardian ad litem. She and the Director of Children Services were ordered to separately carry out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed. Both recommended the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with them.
4. Considering that the child has not known any other home and parents since 2015, and considering that it's best interests is the paramount concern of this court, I will allow the adoption. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat her as if she was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the mother of the child is hereby dispensed with as she was found abandoned.
5. Having been satisfied that all the legal requirements for a local adoption under the Children Act have been met, the following orders shall issue: -
  - a. the applicants AKW and JNN are hereby allowed to adopt Baby M.W. aka Abandoned Baby aka Unknown Baby Girl;
  - b. the child shall henceforth be known as HBN;
  - c. the child's date of birth shall be 25<sup>th</sup> July 2015, and shall be presumed to be a Kenyan citizen having been found abandoned at Gilgil Township in Nakuru in Kenya;
  - d. Esther Muthoni Njoroge and Edward Mbugua Gitau are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicants before she is of full age and fully self-reliant;
  - e. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
  - f. the guardian *ad litem* is hereby discharged.

**DATED AND DELIVERED AT NAIROBI THIS 31<sup>ST</sup> DAY OF MAY 2022**

**A.O MUCHELULE**

**JUDGE**

