



**In re of HS (Baby) (Adoption Cause E157 of 2021)  
[2022] KEHC 11936 (KLR) (Family) (23 June 2022) (Judgment)**

Neutral citation: [2022] KEHC 11936 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E157 OF 2021  
AO MUCHELULE, J  
JUNE 23, 2022**

**IN THE MATTER OF**

**CWK ..... 1<sup>ST</sup> APPLICANT  
SMM ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants CWK and SMM are a Kenyan couple aged 44 years and 43 years, respectively. The 1<sup>st</sup> applicant is an economist while the 2<sup>nd</sup> applicant is a pilot with [Particulars Withheld] . The couple solemnized their marriage on September 25, 2009 at [Particulars Withheld] in Nairobi County. They have two (2) adopted children. They filed this originating summons dated October 21, 2021 seeking to adopt Baby HS.
2. Baby HS is estimated to have been born on the December 5, 2019. The child was found abandoned on December 21, 2019 in a farm in Kandara. The matter was reported at Kandara Police station and was recorded as O.B. No. xxxx. The baby was admitted at Kandara Sub- County Hospital and on the same day transferred to Thika Level 5 Hospital for medical care. She was discharged on the February 12, 2020 and was formally committed to New Life Home Trust by the Kandara Children Court in Protection and Care Case No. 4 of 2020. Police efforts to trace the mother or relatives of the child were not successful. On November 13, 2020 the baby was declared free for adoption and Certificate No. xxx issued by the Buckner Kenya Adoption Services. The applicants have been with the child since February 24, 2021 when the child was placed with them for foster care.
3. On February 3, 2022 the court appointed SNN as the guardian ad litem and ordered her and the Director of Children Services 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. The court finds that it is in the best interest of the child to be adopted by the applicants. 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 parents of the child is hereby dispensed with as she was found abandoned. The applicants' children have consented to the adoption.
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 CWK and SMM are hereby allowed to adopt Baby HS;
  - b) Baby HS shall henceforth be known as KMM;
  - c) the child's date of birth shall be December 5, 2019 and shall be presumed Kenyan citizen having been found abandoned in Kandara in Muranga County in Kenya;
  - d) EWK is hereby appointed as the child's legal guardian 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 23<sup>RD</sup> DAY OF JUNE 2022.**

**A.O. MUCHELULE**

**JUDGE**

