



**In re Baby HI (Adoption Cause E223 of 2024)
[2025] KEHC 865 (KLR) (Family) (21 January 2025) (Judgment)**

Neutral citation: [2025] KEHC 865 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E223 OF 2024**

SN RIECHI, J

JANUARY 21, 2025

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY HI

IN THE MATTER OF

LAO APPLICANT

JUDGMENT

1. The applicant is a female adult of sound mind who is 45 years old having been born on 15th February 1979 as evidenced by a copy of her national identification card number 217XXXXXX attached to the application.
2. From the pleadings, the court notes that the applicant, is a Human Resource officer employed by [Particulars Withheld] Organization. She resides in Kirigiti within Kiambu County. She professes the Christian faith.
3. The Applicant, LAO is a single applicant. The Applicant does not have biological child of her own and she now wishes to adopt a female child known as Hadassah Imani through an Originating summons dated 27th September 2024.
4. The applicant is a female adult of sound mind who is 45 years old having been born on 15th February 1979 as evidenced by a copy of her national identification card number 21703110 attached to the application.
5. The court finds from evidence on record that the child was presumably born on 17th April 2022. On 18/04/2022, a lady aged approximately 22 years went to buy clothes from a hawker, one WM of mobile number 0713XXX472 at Likoni Ferry Island side. The applicant stated the lady then told the hawker to hold for her the baby so that she could answer a call of nature but she did not come back.



6. The matter was reported to the police at Likoni Ferry Police Station and it was recorded vide OB number 17/18/04/2022. The evidence on record indicates that the child was taken to Coast Provincial General Hospital and admitted vide inpatient number 70XX97 on 18/04/2022.
7. On 25th April 2022 through a request by the subcounty children officer, the child was committed Baby Life Rescue Centre Trust by the Tononoka Children Court vide Protection and Care file number MCP&CCO/E087/2022 on 25/04/2022 as evidenced by a copy of committal order attached to the application.
8. From the evidence on record, this court finds that the child was discharged from hospital on 26/04/2022 and admitted at Baby Life Rescue Centre on 27/04/2022.
9. Prior to the hearing of the adoption application, Little Angels Network prepared a report dated 5th May 2021 recommending the adoption . They also issued a Certificate serial number 002XXX declaring the child free for adoption pursuant to section 156 (1) of the *Children's Act as* evidenced by the copies of a report and certificate declaring a child free for Adoption attached to the application.
10. The guardian *ad litem* Ms. DOA filed a report dated 29th November 2024 which was favourable and recommended the adoption of the child by the Applicant.
11. Ms. WI, the Assistant Director Children's Services conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 2nd November 2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant and that the Applicant has fulfilled the statutory requirements.
12. Mr. TFOK and LAO consented to be appointed as legal guardians for the child and they filed a letter of consent attached to the application.
13. The applicant stated that she has no previous criminal record and no pending criminal prosecution as evidenced by her a copy of police clearance certificate attached to the application.
14. The applicant is both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by a copy of her Medical report attached to the application.
15. The applicant is financially stable and she is therefore able to provide fully for the child's need as evidenced by a copy of her financial documents attached to the application.
16. This is a local adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since their whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicant.
17. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of the *Constitution* and Section 8 of the *Children's Act, 2022*. I do find that it is in the best interest of the child to be adopted by the Applicant. I therefore allow the prayers sought in the originating Summons dated 27th September 2024 and Order as follows:
 - i. The Applicant LAO is hereby allowed to adopt Baby Hadassah Imani who shall henceforth be known as Imani Hadassah Eliana Omamo.
 - ii. The child is presumed to have been born on 17th April 2022 in Likoni and the child is presumed to be a Kenyan Citizen by birth in accordance with Article 14(4) of the Constitution.



- iii. LAO and TFOK are hereby appointed the legal guardians of the child.
- iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
- v. The guardian *ad litem* is hereby discharged.

DELIVERED AT NAIROBI THIS 21ST DAY OF JANUARY, 2025.

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S. N. RIECHI
JUDGE

