



REPUBLIC OF KENYA



**In re Baby JM (Adoption Cause E006 of 2023)  
[2025] KEHC 147 (KLR) (15 January 2025) (Judgment)**

Neutral citation: [2025] KEHC 147 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E006 OF 2023**

**A MSHILA, J**

**JANUARY 15, 2025**

**IN THE MATTER OF**

**MWK ..... APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the 15<sup>th</sup> November, 2023; and is premised under the provisions of Sections 8 and 183 of the Children’s Act 2022; Section 9 of the *Kenya Citizenship and Immigration Act* No.12 of 2011 and Section 14 of *the Constitution* of Kenya, 2010. The Applicant seeks the following Orders;
  - a. That the Applicant MWK be authorized to legally adopt Baby JM who will be known as JWN.
  - b. That EWK be appointed as Guardian Ad Litem of JWN.
  - c. The Registrar General do make the appropriate entry of JWN in the Adopted Children’s Register.
  - d. JWN be presumed to be a Kenyan Citizen born in Kenya and be issued with a Kenyan passport.
  - e. That SMK be appointed Legal Guardian to JWN.
2. The application was supported by a statement and Affidavit made by the Applicant MWK. The Guardian Ad Litem EWK was appointed on the 27<sup>th</sup> April, 2023, this court directed the Director of Children’s Services and the Guardian Ad Litem to carry out home visits and do investigations and to file their respective Reports.
3. After visiting and interrogating the Applicant, the Lari Sub-County Children’s Office and the Guardian Ad Litem filed their respective Reports on the Applicant’s suitability to adopt Baby JM. The reports were duly filed in court and are dated 5<sup>th</sup> October, 2023 and 20<sup>th</sup> May, 2023 respectively.
4. Baby JM is female and her presumed date of birth is 22<sup>nd</sup> July, 2014. On 23/03/2015 she was found abandoned at Narok County Referral Hospital and the case of abandonment was reported at Narok



Police Station vide OB No.46/20/05/2015; baby JM was admitted on 22/05/2015 to House of CWSK Mama Ngina Kenyatta Temporary Place of Safety for temporary shelter, care and protection whilst awaiting committal under the Protection And Care Case No.15 of 2015; the Children's Court sitting at Narok BABY JM was formally committed vide Order issued on 22/05/2015 to the aforesaid institution for protection and care for a period of three (3) years. On the 14/12/2016 she was declared free for adoption under Section 187(2)(a) of the Children's Act 2022 and a Certificate Serial Number 1081 was issued by Child Welfare Society of Kenya.

5. After reading and taking into consideration the contents of these reports, this court notes that the Applicant is a Kenyan citizen, she is married to MNB and they solemnized their marriage at the Kenya Assemblies of God Nyamanu in Sulmac Kinangop on 18/05/2019 as evidenced by the copy of the attached Certificate of Marriage Serial No.285XXX At the time of filing this application the prospective adoptive parent MWK was aged 53 years and due to his age factor her husband has given her consent to adopt the child as a sole female applicant as provided for under Section 186(8)(b) of the Childrens' Act 2022.
6. On the issue of the age of the prospective adoptive parent the applicable law is found at Section 186 (2) (b) of the new Childrens' Act, 2022 and it reads as follows;
  - (2) The court shall not make an adoption order in any case unless -
    - (b) the applicant or both of the applicants in a joint application is more than twenty- one years older than the child
7. This then means that the Applicant's age falls within the prescribed legal parameters.
8. The Applicant has three (3) step-children but no biological children of her own. The home visit report indicates that BABY JM relates well with the three (3) children whom she acknowledges to be her sisters and brother.
9. MWK is self-employed and is a large-scale farmer in Nyandarua County. The Applicant has produced into court copies of her Bank Statements to prove her financial capability to support Baby JM when she assumes responsibility of her upbringing.
10. 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 Applicant and her husband or any individual characteristics or lifestyle that would be detrimental to the child.
11. It is noted that this is was a case of abandonment and the Child Welfare Society of Kenya made efforts to trace the family of Baby JM by placing adverts through the print media which efforts proved futile as the child remained unclaimed and therefore this court will dispense with the requirement of consent from the biological parent(s).
12. The child who is aged Ten (10) years has consented to the adoption vide her letter dated 20/05/2023.
13. This court is satisfied that the Applicant has fulfilled all the pre-requisites for adoption orders sought to be granted.

### **Findings & Determination**

14. For the foregoing reasons this court finds that the application for adoption is in the best interest of the child and it is hereby allowed.
15. The Applicant be and is hereby authorized to adopt Baby JM. She shall be known as JWN.



16. The Registrar General be and is hereby directed to enter this adoption order of JWN in the Adopted Children's Register.
17. SMK be and is hereby appointed to stand in as legal guardian to JWN until the child attains the age of majority of eighteen (18) years and the Guardian Ad-Litem be and is hereby discharged.

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 15<sup>th</sup> DAY OF JANUARY, 2025.**

**HON. A. MSHILA**

**JUDGE**

In the presence of;

Sanja – Court Assistant

Applicant – Present in person

