



**In re Baby MJ (Adoption Cause E162 of 2024)
[2025] KEHC 3174 (KLR) (Family) (13 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3174 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E162 OF 2024**

SN RIECHI, J

FEBRUARY 13, 2025

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

IN THE MATTER OF

MNC APPLICANT

JUDGMENT

1. The Applicant, MNC is a single applicant. The applicant was married to SSM on 4.02.2016 but divorced in 2021 and on 9th August 2021, the said divorce was declared absolute as evidenced by a copy of Decree absolute attached to the application. The marriage was not blessed with a child. The Applicant now wishes to adopt a male child known as Baby MJ through the Originating summons dated 16th May 2024.
2. The applicant is a female adult of sound mind who is 46 years old having been born in 1977 as evidenced by a copy of her national identification card number 20XXXXXXX attached to the application.
3. From the pleadings, the court notes that the applicant is a Nurse and Counselor by profession employed by [particulars withheld]. The applicant resides in [particulars withheld]. She professes the Christian faith.
4. The evidence before the court indicate that the minor was presumably born on or about 16th May 2017 was found abandoned by two women who approached one JO at a construction site in [particulars withheld] on 22nd April 2018 and requested him to look after the child as they join other workers to do some chores but they disappeared from the site.
5. The evidence on record indicates that J reported the case to the [particulars withheld] Police Station through OB. No.3XXXXXXX as evidenced by a copy of police initial letter dated 9th May 2018 attached to the application.



6. The Minor was temporarily placed at [particulars withheld] Center for care and protection pending the court's direction. The child was committed to [particulars withheld] Center Children's Center as a child in need of care and protection by Ngong Children's Court on 19th September 2018 under care and protection case number 11 of 2018 as evidenced by a copies of committal orders attached to the summons.
7. From evidence on Court record, a final police letter dated 30th October 2018 was issued by [particulars withheld] Police Station and it confirmed that no one went to the station to claim the abandoned child and their efforts to trace the kindred of the child have been futile as shown by a copy of final letter attached to the summons.
8. The child was placed with the applicant under foster care pending adoption on 22nd January 2019 as evidenced by a copy of fostering agreement attached to the application.
9. Prior to the hearing of the adoption application, Little Angel Network prepared and filed a report dated 10th December 2018. They also issued a Certificate Serial No 0XXXXXXX declaring the child free for adoption as evidenced by the copies of report and certificate declaring a child free for Adoption attached to the application.
10. The applicant is physically and emotionally fit to parent the child as evidenced by copies of her medical report attached to the application.
11. The applicant is financially stable and therefore able to provide fully for the child's needs as evidence by copies of her financial documents attached to the application.
12. The guardian ad litem Ms. LRM filed a report dated 11th May 2024 which was favourable and recommended the adoption of the child by the Applicant.
13. Mr. Peter Mwangi, Assistant Director Children Services from the office of the Director of Children 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 4th November 2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicant and that the Applicant has fulfilled the statutory requirements.
14. INC consented to be appointed as legal guardian for the child and filed her consent attached to the application.
15. 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 the child's biological parents whereabouts is unknown.
16. The child was present in court during hearing and he testified as follows;

“I am 7 years old. I go to school in St. [particulars withheld] in Grade 3. My teacher is Teacher F. J is my best friend. He is 6 years. My birthday is in May 16th. This is my mum. I want her to buy me a cake to eat with my mum and best friend. I want her to buy me a remote car.”

The court notes that the child appears 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 16th May 2024 and Order as follows:



- i. The Applicant MNC is hereby allowed to adopt BABY MJ. who shall henceforth be known as MMS.
- ii. He is presumed to be a Kenyan Citizen having been born in Kenya in accordance with Article 14(4) of the Constitution .
- iii. INC is hereby appointed the legal guardian 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 13TH DAY OF FEBRUARY 2025.

S. N. RIECHI

JUDGE

