



**In re Baby PC (Adoption Cause E103 of 2024)
[2025] KEHC 2373 (KLR) (Family) (13 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 2373 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E103 OF 2024**

SN RIECHI, J

FEBRUARY 13, 2025

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

IN THE MATTER OF

GGI 1ST APPLICANT

WNM 2ND APPLICANT

JUDGMENT

1. The Applicants, GGI and WNM are in a monogamous marriage which was solemnized on November 2004 at St. Paul and Peter Catholic Church-Kiambu as evidenced by a copy of their marriage certificate serial number 86XXX attached to the summons.
2. The 1st applicant is a Kenyan Citizen aged 64 years old born on 1st January 1961 as evidenced by a copy of his National Identification Card serial number 20066XXXX attached to the summons. The 2nd applicant is a Kenyan Citizen aged 60 years old born on 4th May 1995 as evidenced by a copy of her national identification card serial number 20345XXXX attached to the application.
3. The applicants have not been blessed with a biological child of their own. The applicants have one adopted daughter namely AWG who is 15 years of age. The applicants now wish to adopt a male child known as Baby Paul through an Originating Summons dated 13th May 2024.
4. From the pleadings, the court finds that the 1st applicant is a Carpenter and the 2nd applicant is a farmer. The applicants reside in Kiambu. They both professes the Christian faith.
5. From the evidence on record, this court finds that the child From the evidence on record, this court finds that the child was presumably born on 10.07.2017 at Kilimambogo. The child was found abandoned at Kiandutu Slums by a good Samaritan namely AM of Phone Number 072030XXXX.



- The matter was reported at Thika Police Post vide OB 35/14/7/2017 and initial letter was written as evidenced by a copy of police initial letter dated 22.8.2023 18th July 2017 attached to the application.
6. From the evidence on record this court finds that the child was committed by Thika Sub-County Children's Office under P & C No.197/2018 and placed at at Community of Hope Care Center.
 7. The evidence on record indicate that the child was placed under foster care of the applicants on 24TH August 2023 pending adoption as evidenced by a copy foster care agreement attached to the application.
 8. From evidence on Court record, on 13.2.2020 a final police letter was issued by Thika 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 police letter dated 13.2.2020 attached to the summons.
 9. Prior to the hearing of the adoption application, Kenya Children's Homes prepared and filed a report dated 25.11.2024 recommending the adoption . They also issued a Certificate Serial No 905 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* Mr.JMM filed a report dated 23rd November 2024 which was favourable and recommended the adoption of the child by the Applicants.
 11. Ms.Mary Atati,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 17th June 2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
 12. Mr. JNI and PWN consented to be appointed as legal guardians for the child and they both she signed and filed a letter of consent attached to the application.
 13. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
 14. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
 15. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
 16. This is a local adoption and from the record the Applicants have 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.
 17. The child was present in court during the virtual hearing and he testified as follows;
 18. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of the *Constitution* and Section 8 the *Children's Act*,2022. I find that it is in the best interest of the child to be adopted by the Applicants. I therefore allow the prayers sought in the amended originating Summons dated 13th May 2024 and Order as follows:
 - i. The Applicants GGI and WNM are hereby allowed to adopt baby Paul Celine and the child shall henceforth be known as PMG.



- ii. He is presumed to have been born within the Republic of Kenya in accordance with Article 14(4) of the Constitution.
- iii. JNI and PWN are hereby appointed as the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- v. The guardian *ad litem* is hereby discharged.

DATED AT NAIROBI THIS 13TH DAY OF FEBRUARY 2025

S. N. RIECHI

JUDGE

