



REPUBLIC OF KENYA



**In re MB aka PN (Baby) (Adoption Cause E002 of 2024)
[2025] KEHC 2955 (KLR) (14 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 2955 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
ADOPTION CAUSE E002 OF 2024
EM MURIITHI, J
MARCH 14, 2025
IN THE MATTER OF BABY M B A.K.A P N
JWM**

IN THE MATTER OF

JWM APPLICANT

JUDGMENT

1. The applicant lodged in this court an originating summons dated 22nd November, 2023 seeking the following orders:
 1. That applicant be authorized to adopt BABY MB aka PN.
 2. That henceforth, the child be renamed as MBWW.
 3. That the child's date of birth and place of birth be declared to be 22nd February, 2017 at Ongata Rongai.
 4. That the child be presumed to be a Kenyan citizen by birth, and consequently, be entitled to all the rights and benefits in respect thereof.
 5. That EWMI be appointed as legal guardian of the child.
 6. That the guardian ad litem be discharged.
 7. That the Registrar General be directed to enter this adoption in the Adopted children's register.
2. The application is premised on the grounds that the adoption is in the best interest of the child as she will benefit from the love and affection within a family unit. The child was abandoned at the main gate of Fatima Mission Hospital in Ongata Rongai. Neither the child's mother nor any of her relatives have ever come forward to claim her, and she is consequently a child in need of care and protection.



The applicant.

3. The applicant's supporting affidavit avers that she has met the legal prerequisites set out for adopting a child and has sufficiently bonded with the child. That it is in the best interest of the child that the adoption order be granted in favour of the applicant. The applicant states that she is a Kenyan citizen, resident at Kagio Town centre. She is of sound mind and aged 47 having been born on 25th November, 1975. She is a Christian and has never been married. She had two long term relationships that ended as she could not conceive a child. She is a business woman running a consumables shop in Kagio with a monthly income of Kshs 60,000. She has the financial means and capability to adopt the child. Further, she is both physically and emotionally fit. She has never been charged with nor convicted of a criminal offence referred to in the Third Schedule of the *Children's Act*. They have proposed EWM, her younger sister, as the legal guardian of the child in the event of her death or incapacity before the child is of full age and fully self-reliant. That her current residence is a comfortable environment for nurturing the child. She loves the child she intends to adopt.

The child

4. The minor subject of these proceedings, baby Baby MB aka PN, is a female estimated to have been born on 22nd February, 2017. The child was abandoned on 22nd February, 2017 at the main gate of Fatima Mission Hospital in Ongata Rongai by her mother, one SN. The hospital took the child and reported the matter at Ongata Rongai Police Station vide OB No. 36/22/02/2017. The infant was admitted at Hekima Place as evidenced by admission letter dated 25th March, 2019. On 7th January, 2015, the children's office through Protection & Care Case No. E150 of 2020 at Ngong Law Courts successfully applied for committal of the child into the custody of Hekima Place. Attempts to search the child's family was made through a People Daily Newspaper advertisement dated 12th March, 2021 but no one came forward to claim her. Further, officials of the Adoption Society made enquiries from Hekima Place, which confirmed that no relative had turned up to claim her. The child was declared free for adoption on 12th January, 2022 by the Case Committee of the Buckner Kenya Adoption Services. This is evidenced by Certificate of Declaring a Child Free for Adoption Serial Number 0542.

Statutory Reports

5. Having instituted adoption proceedings, the applicant sought the appointment of GNW as the guardian ad litem *vide* Chamber Summons dated 22nd November, 2023. The same was confirmed through a court order dated 10th June, 2024. The Children Officer's Report has been filed. The report highly recommends this prospective adoption.
6. The Director of Children Services by its Officer in the Mwea West Sub-County Children's Office Ms. Mercy N. Maina filed its report in which it recommended that "based on section 183 – 188 of the *Children* (No. 29 of 2022) and fitting in the adoption regulations I highly recommend this prospective adoption since it is for the best interests of the child."
7. The Court has considered the issue whether the applicant should be authorized to adopt the child. Based on the application herein, affidavits in support together with the annexures thereof and its examination of the applicant, the guardian ad litem, the legal guardian and the child subject herself. The Court has also considered the legal provisions applicable to a local adoption of a child and the qualification of the applicant.



8. The court considered the application for adoption in accordance with the law on adoption of children in Kenya as set out Part XIV of the [Children Act 2022 \(Act no. 29 of 2022\)](#), Sections 183 – 216 of the [Children Act 2022](#).

Suitability of the applicants for adoption.

9. The applicant is an adult aged below 65 years and above 25 years being the mandatory age requirement for any adoptive parent seeking to adopt a baby pursuant to Section 186(1)(2) of the [Children's Act](#). The applicant is a Kenyan citizen thus placing the application herein as one of local adoption. She has been assessed and evaluated by various stake holders and found suitable in terms of the set criteria. She is financially stable, physically, mentally, morally, socially and emotionally fit. Further, has no criminal record and does appreciate the consequences of adoption. In the circumstances, the applicant has met the necessary legal requirements to adopt the baby. The Court established that the applicant voluntarily accepted the consequences of the adoption of the child, in terms of section 202(1) of the [Children Act](#).

Waiver/Consents and Statutory reports/approvals

10. In the circumstances of the child in this case, the consents of the parents are waived under section 187 (1) (a) and (2) (a) of the [Children Act 2022](#).

The Court's observations

11. The Court observed that the child is confident, pleasant happy, well-groomed and expresses desire to remain in the environment where she lives with the applicant and play group of M, W and S. She answered questions as to her names, class of study, the year and her home environment intelligently. The Court has no doubt that it is in the best interest of the child to remain with the applicant as her adoptive parent who will provide her with a home, identity, protection and the loving care of a parent in a family setting.

Adoption Order

12. The Court approves the adoption and shall make consequential orders, as necessary. As a consequence of the grant of the adoption order, the Guardian Ad Litem is discharged in terms of section 188 (4) of the [Children Act](#), and the court wishes the applicant and the child all the best in their future as family for all purposes. The legal guardian is appointed for the child as prayed.

ORDERS

13. Accordingly, for the reasons set out above, the Court makes the following orders:
1. Pursuant to section 187 (1) (a) and (2) (a) of the [Children Act](#), the consent of the biological parents of BABY MB aka PN is dispensed with since the child was abandoned shortly after birth.
 2. The Applicant JWM is authorized to adopt BABY MB aka PN, a minor.
 3. The child shall be known as MBWW and the Registrar General be directed to enter this adoption into the Register of Adoptions.
 4. The court appoints EWM as the Legal Guardian of MBWW, the child subject of these proceedings for purposes of section 195(1) of the [Children Act](#).



5. The Court directs the Registrar General to make the appropriate entries in the Adopted Children Register in respect of BABY MB aka PN now known as MBWW pursuant to section 201 (1) of the *Children Act*.
6. The Court orders that the child BABY MB aka PN now known as MBWW shall be considered a Kenyan Citizen in terms of Article 14 (4) of the *Constitution* of Kenya.
7. The Guardian Ad Litem is discharged in terms of section 188 (4) of the *Children Act*.

Orders accordingly.

DATED AND DELIVERED THIS 14TH DAY OF MARCH 2025.

EDWARD M. MURIITHI

JUDGE

APPEARANCES:

Ms. Kimenyi for the Applicant.

