



REPUBLIC OF KENYA



KENYA LAW
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**In re P (Infant) (Adoption Cause E003 of 2025)
[2025] KEHC 11543 (KLR) (9 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 11543 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E003 OF 2025
DO CHEPKWONY, J
APRIL 9, 2025**

IN THE MATTER OF AN ADOPTION APPLICATION OF BABY P (INFANT) BY WWK

RULING

1. *Vide* Originating Summons dated 20th December, 2024 brought under the provisions of Sections 183, 185, 186, 187, 194 and 195, all of the *Children's Act*, the Applicant W.W.K seeks for orders that:-
 - a. She be authorized to adopt Baby D. P. and the child shall be cased D. S. W. W.
 - b. J. N. K and E. M. C be appointed as the Legal Guardians of D. S. W. W. upon grant of the adoption order.
 - c. The Registrar General be ordered to make the appropriate entries in the Adoption Children's Register in respect of D.S. W. W.
 - d. D. S. W. W. be considered a Kenya Citizen.
 - e. The court be pleased to make any further orders it deems necessary.
2. The application is premised on the statement in support sworn by W. W. K, the Applicant on even date. The facts are that D. S. W. W., subject of this application is a child of female sex born on 27th May, 2021 at Vihiga County Referral Hospital (Exhibit No.12). She was offered for adoption by the biological mother, V. M. and the maternal grandmother, A. A. G. in the Republic of Kenya immediately after her delivery on the 28th May, 2021. That, this is because D. S. W. W's mother was alleged to have been defiled and impregnated by an uncle, a person well known to her when she was fourteen (14) years old (Exhibit No.14).
3. The said V. M. and her mother, A. A. G. were taken through the parent offering child for adoption process by KKPI Adoption Society and it was affirmed that it was in the best interests to offer the child, D. S. W. W. for adoption. She was admitted to New Life Home Trust which is a holding unit for change Trust Adoption Society's babies offered for adoption on 28th May, 2021 for care and protection (Exhibit No.19(a) and (b)).



4. On 14th July, 2021, D. S. W. W. was formally committed to the New Life Home Trust vide an order issued by the Children’s Court at Hamisi under the Protection and Care No.3 of 2021 (Exhibit 20(a) and (b)). D. S. W. W’s maternal grandmother swore and executed a formal affidavit consent for parent/guardian offering a child for adoption on 23rd November, 2021 thus relinquished her right over the child and the child, D. S. W. W. was declared free for adoption by the Kenya Children’s Home Adoption Society which is a registered adoption society on 15th May, 2023 (Exhibits 21(a) and (b), 22 (a) and (b)). W. W. K. took D. S. W. W. into foster care on 13th June, 2024 and she has been under her care and protection since then (Exhibit No.24).
5. According to the Applicant W. W. K., in her statement in support of the application, she is a female Kenyan Citizen of African descent by birth born on 25th December, 1969. She is domiciled in Kenya and resides at [Particulars Withheld] Estate in [Particulars Withheld]. The Applicant has averred that she is a Financial Controller with [Particulars Withheld], hence has sufficient income, finances and assets to enable her take good care of this child. (Exhibits 1, 2, 3, 4 and 8(a) and (b)).
6. The Applicant has deponed that she professes Christian faith and worships at A.C.K. St. Paul’s [Particulars Withheld] Parish. She has also averred that she is of sound mind and does not abuse alcohol or drugs. She also confirms that she has never been arrested, charged or convicted by a court of competent jurisdiction for any offence as set out in the Act or any similar offences, thus she has no criminal record or pending criminal proceedings. She further confirms that she is not a lesbian and would wish her identify to be kept confidential.
7. The Applicant goes on to contend that D. S. W. W. is a child of Kenya Nationality of African race and Christian Religion. She denied being related to the child and or receiving or agreeing to any payment or reward or any person offering her any payment or reward in consideration of the adoption. The Applicant confirms that she voluntarily wished to adopt this child, who it has been proposed that she be known as D. S. W. W. and was received into her care and custody on 13th June, 2019 wherein she has continuously been since.
8. Pursuant to the provision of Section 188 of the Childrens’ Act, J. N. K. M and E. M. C. consented to be appointed to act as Legal Guardians of Baby D. S. W. W. vide affidavits and consent, all dated 20th December, 2024, which is in the best interest of the said child. The two were highly recommended as suitable Legal Guardians by E. W. and S. F. N. K. the Guardian Ad Litem and in their respective affidavits.
9. A Social Inquiry Report dated 2nd February, 2021 and filed o 20th May, 2021, the Probation Officer recommended that it would be in the best interest of the new born to be taken to a charitable institution as she cannot be reared (brought up) in the community, which recommendation was adopted by the Children’s’ Department in their letter dated 28th May, 2021 (Exhibits 16(a) and (b) and 18(b)). A Medical Report dated 28th May, 2021 from Vihiga County Referral Hospital reiterated the circumstances depicted by the said reports (Exhibit No.18(a)).
10. *Vide* an OB No.16/1/2/2021, the Police confirmed that a report of defilement had been made by the grandmother A. A. G. to baby D. S. W. W. which report was confirmed by a letter from the Assistant Chief of [Particulars Withheld] Sub-location date 25th March, 2021(Exhibit No.13(a) and (b)).
11. The Applicant has presented copies of her payslips and Bank Statements (Exhibit No.8(a) and (b) to demonstrate and confirm her financial capability and stability to take care of the said child.
12. The Police issued a Clearance Certificate dated 28th April, 2022 in which they have confirmed that the Applicant is without criminal record (Exhibit No.7) while her Church, the A.C.K. St. Paul’s



[Particulars Withheld] Parish recommend her as a committed Christian Lady of faith and integrity, mature and with love for children (Exhibit No.11).

13. The Medical Reports for both child and Applicant were not of much concern. The Applicant is said to be hypertensive, which condition is manageable (Exhibit No.17(a) and (b).
14. The Applicant and One of the Guardian Ad Litem, E. W. were examined by this court. It was established and confirmed that the Applicant has build a bond with the child who she evidently loves and cares for and considers a blessing to her family. This could be discerned from how the child was presented to court – healthy, clean and expensively dressed and was clearly possessive of the Applicant as her mother. The court found no reason to doubt that the child is assumed of a loving, stable and comfortable family and home.
15. From the aforesaid analysis, I find that the Applicant has fulfilled the legal requirement necessary for the making of an adoption order under the Children’s Act and demonstrated that the prayers she seeks are in the best interest of the child, D. S. W. W.
16. Consequently, the court proceeds to grant the orders sought in the Originating Summons dated 20th December, 2024 as follows:-
 - a. The Applicant, W. W. K. is hereby authorized to adopt Baby D. P. and the child shall henceforth be known as D. S. W. W.
 - b. J. W. K. and E. M. S be and are hereby appointed the joint Legal Guardians of Baby D. P.
 - c. D. S. W. W. be and is hereby considered a Kenyan Citizen.
 - d. Baby D. P. is presumed to have been born on 27th May, 2021 within Kiambu County.
 - e. The Registrar General is hereby ordered to make appropriate entries in the Adopted Children’s Register in respect to Baby D. P/D. S. W. W.

Orders accordingly.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 9TH DAY OF APRIL 2025.

D. O. CHEPKWONY
JUDGE

