



REPUBLIC OF KENYA



**In re Baby SZ (Child) (Adoption Cause E006 of 2024)  
[2025] KEHC 4392 (KLR) (4 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 4392 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E006 OF 2024**

**A MSHILA, J**

**APRIL 4, 2025**

**IN THE MATTER OF**

**RWM ..... APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the 7<sup>th</sup> February, 2024 and is made under the provisions of Section 8 and 183 of the Children’s Act, 2022; Section 9 of the [Kenya Citizenship and Immigration Act](#) No.12 of 2011 & Section 14 and [the Constitution](#) of Kenya, 2010; The Applicant seeks the following Orders;
  - a. That the Applicant be authorized to adopt the child S.Z.
  - b. That the child was abandoned and the biological parents Consent should be dispensed with.
  - c. That upon the making of the making of the adoption orders the said child be known as SFNW in the Adopted Children’s Register.
  - d. That the child SFNW be presumed to be a Kenyan citizen born in Kenya and that the Director of Immigration Services do issue SFNW with a Kenyan passport.
  - e. That M.W. be appointed as guardian ad litem herein;
2. The baby SZ at the age of four (4) days old was abandoned between Mamlaka and Lower State Road was found by a Lavington Security guard on the 30/08/2018; the case was reported at Kileleshwa Police Station and an entry was noted in the Occurrence Book as O.B No.XXXX/8/2018.
3. The child was rescued and the Milimani Children’s Court sitting at Nairobi committed baby SZ to the institution known as Mama Ngina’s Place of Safety for protection and care under Protection and Care Case Number under C & P Case No.677 of 2018 and she was declared free for adoption under Section 156(1) of the Children’s Act and a freeing Certificate Serial Number 10XXX dated the 27/07/2021 was issued by the Child Welfare Society of Kenya.



4. The Guardian Ad Litem MW was appointed on the 22/05/2024 and the County Director of Children's Services after visiting and interrogating the Applicant both filed their respective reports made on 17/07/2024 and the 11<sup>th</sup> July, 2024 on the Applicants' suitability to adopt baby SZ.
5. After reading and taking into consideration the contents of these reports it is noted that; the Applicant is single Lady and has never been married; that she is aged 57 years and therefore her age falls within the prescribed parameters; her Certificate of Good Conduct is current and valid and she annexed her bank statements which establish her financial standing and suitability.
6. This Honourable Court dispenses with the biological parents consent as the baby had been abandoned; and attempts and efforts to trace the parents or relatives of the child through placement of media tracing publications through the local dailies were without success.
7. This Court Upon satisfying itself that all the legal requirements had been adhered and upon observing the Applicant with the child at the hearing hereof noted the existence of an emotional bonding; and the child appears to be happy, healthy and well taken care of.
8. For the reasons stated above this court is satisfied that the Applicant is a suitable person to adopt Baby SZ; and that she has the resources to provide and take care of baby SZ.

### **Findings & Determination**

9. The application for the adoption of baby SZ is found to be merited and it is hereby allowed; The Applicant is hereby allowed to adopt baby SZ she shall be known as SFNW.
10. This Honourable Court dispenses with the biological parents consent as the baby had been abandoned;
11. The Registrar General is hereby directed to enter this adoption order in the Adoption Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name SFNW.
12. The Guardian ad Litem is hereby discharged and JMM is hereby appointed as Legal Guardian until baby SFNW attains the age of majority of eighteen (18) years.

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 4<sup>TH</sup> DAY OF APRIL, 2025**

**A. MSHILA**

**JUDGE**

In the presence of;

Julie – Court Assistant

Applicant – present in person

