



**In re SK (Baby) (Adoption Cause E017 of 2024)  
[2025] KEHC 8307 (KLR) (13 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8307 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E017 OF 2024  
A MSHILA, J  
JUNE 13, 2025  
IN THE MATTER OF THE CHILDREN’S ACT  
AND  
IN THE MATTER OF BABY S.K.**

**IN THE MATTER OF**

**HKM ..... 1<sup>ST</sup> APPLICANT**

**CWW ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the 4<sup>th</sup> December, 2024 and is premised under the provisions of Sections 183, 184, 185, 186, 194, 200 and 201 of the Children’s Act 2022; The Applicants seek the following Orders;
  - a. That the Applicants H.K.M and C.W.W. be authorized to legally adopt S.K;
  - b. That upon the making of the adoption orders the said child will be known as J.N.K.
  - c. The Registrar of Births and Deaths do make the appropriate entry of J.N.K. in the Adopted Children’s Register.
  - d. That J.N.K.be presumed to be a Kenyan citizen by birth;
  - e. That GM be appointed as guardian ad litem of Baby S.K.
  - f. That AWW be appointed as the Legal Guardian of the child.
2. The application was supported by a joint Affidavit made by the Applicants; The Guardian Ad Litem GM was appointed on the 20/03/2025; This Court directed the Director of Children’s Services and the Guardian Ad Litem to carry out a home visit to do investigations and to file their Reports.



3. After visiting and interrogating the Applicants the Kiambu County Coordinator Children's Services and the Guardian Ad Litem filed their respective Reports on the Applicant's suitability to adopt S.K; the reports were duly filed in court and are dated 28/04/2025 and 2/02/2025; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.
4. The child S.K. who is female is presumed to have been born on 28<sup>th</sup> August, 2018; she was rescued together with her elder brother by members of the public after they were found in the house alone; the case of abandonment was reported by a Good Samaritans to Kayole Police Station vide OB No.67/23/12/2018; S.K. was admitted on 23/12/2018 to Imani Childrens Home for temporary shelter, care and protection whilst awaiting committal; under the protection and care case no.443 of 2019 the Children's Court sitting at Milimani Law Courts S.K. was formally committed vide Order issued on 5/04/2019 to the aforesaid institution for protection and care; On the 19<sup>TH</sup> July, 2024 she was declared free for adoption under Section 194 of the Children's Act 2022 and a Certificate Serial Number 0795 was issued by Buckner Kenya Adoption Services.
5. After reading and taking into consideration the contents of these Reports this Court was satisfied that all the legal requirements had been adhered to notably; the Applicants are Kenyan citizens and their union was solemnized on 30/01/2010 at xxxxxx at the time of filing this application the prospective adoptive parents H.K.M. was aged 43 years and C.W.W. was aged 52 years and therefore their ages fall within the prescribed legal parameters; H.K.M. is self-employed and is a businessman and a Pastor; whereas C.W.W. is employed by the Nairobi county Government as a xxxxxxxxxx Officer and have produced into court copies of her Pay Slip and their Bank Statements to prove their financial capability to support S.K. when they assume responsibility for her upbringing.
6. The Certificates of Good Conduct are current and valid and this Court is satisfied that there are no adverse circumstances discernible from the Applicants' families or any individual characteristics or lifestyle that would be detrimental to the minor;
7. It is noted that this is was a case of abandonment and efforts done through a Kenya Gazette Notice placed by Child Welfare Society of Kenya to trace his biological parents bore no fruits as no one came forward to claim the child; this court has accordingly dispensed with the consents of the biological parents; This Court takes note that the consent of the proposed Legal Guardian has also been duly filed.
8. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt S.K. and the court is further satisfied that the order for adoption will be in the best interest of the child and she appeared in court with the prospective parent and this Court took note of her pleasant and happy demeanor;
9. For the reasons stated above this Court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be a suitable persons to adopt S.K. and it is satisfied that the order for adoption will be in the best interest of the child.

### **Findings & Determination**

10. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
  - i. The Applicants H.K.M and C.W.W. be and are hereby authorized to legally adopt S.K; She shall be known as J.N.K.



- ii. The Registrar General be and is hereby directed to enter this adoption order of J.N.K. in the Adopted Children's Register; the Registrar Births and Deaths be and is hereby directed to issue a Certificate of Birth in the name J.N.K.
- iii. The Guardian Ad Litem GM is hereby discharged and AWW be and is hereby appointed to stand in as next of kin and legal guardian to J.N.K. until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 13<sup>th</sup> DAY OF JUNE, 2025.**

**A. MSHILA**

**JUDGE**

In the presence of;

Sanja – Court Assistant

Omuoma h/b for Muhande for the applicants

