



**In re MH alias S (Baby) (Adoption Cause E205 of 2023)
[2024] KEHC 2442 (KLR) (Family) (8 March 2024) (Judgment)**

Neutral citation: [2024] KEHC 2442 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E205 OF 2023

PM NYAUNDI, J

MARCH 8, 2024

N THE MATTER OF THE CHILDREN'S ACT, 2022

AND

IN THE MATTER OF BABY MH ALIAS BABY S

IN THE MATTER OF

JMM APPLICANT

JUDGMENT

1. *Vide* Originating Summons dated 23rd October 2023, the Applicant herein seeks the following orders
 - a. That the Applicant be authorised to adopt Baby MH alias Baby S an infant who is to be known as AW and the Registrar general be directed to enter this into the register of Adoptions.
 - b. That DWM be appointed as the legal guardian of the minor who shall be presumed to have been born in Kenya.
2. The matter was proceeded by way of *viva voce* evidence on the virtual platform on 18th January, 2024.
3. The Applicant is a Kenyan Citizen aged 45 years. She is a single lady and has no children of her own.
4. The Applicant lives in Juja, Kiambu County. She is a Civil servant. She wishes to adopt the minor who has been in her custody for the last 8 months. She has the means to provide for the emotional, physical needs of the minor. She confirms that she does not have a criminal record and meets all the legal requirements to enable her adopt the minor.
5. She has bonded well with the minor and her family is supportive of the adoption.



6. Lizzie Agal from the Change Trust Adoption Society confirms that they assessed the Applicant and found her to be a suitable parent. They also confirmed that the Child is free for adoption vide their certificate Serial Number 00xxxx.
7. The Guardian *Ad Litem*, Jackline Anyango Apondo, submitted her report dated 9th January 2024, in which she confirmed that having undertaken interviews and home visits she was satisfied that the Applicant will make a suitable parent for the minor and it is in the interests of the minor that she be adopted by the Applicant.
8. Ezekiel Kimani on behalf of the Directorate of Children Services submitted their report dated 12th January 2024. The report confirms that the Child was born to SBW at Ruiru Sub County Hospital on 18th August 2022. That the mother of the Child presented the Child to Change Trust Adoption Society and offered her up for adoption.
9. Subsequently the Child was placed at Hope House Babies Home awaiting formal committal. On 24th January 2023, the Children’s Court at Ruiru committed the Child to the home vide Protection and Care case No. E002 of 2023.
10. The Directorate of Children Services is supportive of the Adoption as the Applicant has met all the requirements for a local adoption.
11. DWM was present in Court and she confirmed that she is willing to assume the role of Legal Guardian for the Child and that she understands her role and obligations as Legal Guardian

Determination

12. This Court is alive to the jurisdiction of the High Court vide Article 165 Constitution of Kenya 2010 and Section 183(1) *Children Act* 2022. The Court is conscious of the law; Article 53 Constitution of Kenya 2010, Section 8 of *Children Act* 2022 and the *UN Convention on the Rights of the Child & African Charter on the Rights & Welfare of the Child* all amplify on the best interests of the child.
13. The Court has evaluated the facts of this Local Adoption from the Reports filed. It is evident that the Applicant has fulfilled all the legal requirements of a Local Adoption as required under Section 193 of the *Children’s Act*, 2022. All the necessary Reports and consents required for this Adoption have been filed.
14. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. The home visits conducted by the guardian ad litem and the representative of the Department of the Children’s Services established that the Applicant has the financial and emotional capability to provide for the upkeep, care and education of the Child and that the Child has bonded well with the Applicant.
15. Article 14 (4) of the *Constitution* of Kenya 2010 provides that: -

“(4)A child found in Kenya who is, or appears to be less than eight years of age and whose nationality and parents are not known, is presumed to be a citizen by Birth.”
16. This court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application withb orders that;
 - a. The Applicant, JMM is hereby allowed to adopt BABY MH alias Baby S.
 - b. Henceforth, the child shall be known as AW .



- c. Her date of birth shall be 18TH August 2022 and the place of birth be Ruiru District Hospital, Kiambu County.
- d. She is presumed to be a citizen of Kenya by birth.
- e. DWM is hereby appointed as Legal Guardian of the child.
- f. The Registrar General to enter this order in the Adoption Children Register.
- g. The Director Immigration be authorised to issue the child with a Kenyan Passport.
- h. The guardian ad litem is hereby discharged.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 8th DAY OF MARCH, 2024.

P.NYAUNDI

JUDGE

In the presence of:

Ms. Ambaka for Applicant

Court Assistant Sylvia

