



REPUBLIC OF KENYA



**In re Baby D alias Abandoned Baby Boy (Adoption Cause E150 of 2023)
[2024] KEHC 3760 (KLR) (Family) (18 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 3760 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
FAMILY
ADOPTION CAUSE E150 OF 2023
SN RIECHI, J
APRIL 18, 2024
IN THE MATTER OF AN APPLICATION FOR THE ADOPTION
OF BABY D ALIAS ABANDONED BABY BOY**

IN THE MATTER OF

**SARAH MAKASI SITATI 1ST APPLICANT
SMS 2ND APPLICANT**

JUDGMENT

1. The Applicant, SMM is a single parent. She got married on 12th December 2008 but divorced on 30th January 2017 as evidenced by a Certificate of Decree Absolute divorce attached to the application. The Applicant has one adopted child namely L and she wishes to adopt a male child known as Baby D through the Originating summons dated 25th July 2023.
2. The applicant is a female adult of sound mind who is 43 years old having been born on 25th May 1980 as evidenced by a copy of national identification card attached to the application. She therefore meets the age requirement under section 186(2) of the *Children Act, 2022* to adopt the child.
3. From the pleadings, the court notes that the applicant is a Doctor at Kenyatta National Hospital and she reside at Royal Promenade Apartment in Westlands Nairobi County. She professes the Christian faith.
4. The evidence before the court indicate that the child was found abandoned at Mlango Kubwa near Redeemed Church within Pangani Area in Nairobi. The matter was then reported to Pangani Police Station where it was recorded as OB No. 10/9/12/2021 as evidenced by attached copy of the Initial Police Letter from Pangani Police Station and a Letter from one of the Good Samaritans who rescued the Child in confirmation.



5. The Starehe Sub-County Children's Office sought and obtained temporary placement for the child at The Nest Children's Home as evidenced by a copy of the Admission Form attached to the application.
6. The child was subsequently presented before the Children's Court at Nairobi on 28th January 2022 and was committed to The Nest Children's Home under Care and Protection Case No. E748 of 2021. as evidenced by a copy of the Committal Order and Social Inquiry Report from the Starehe Sub-County Children Officer attached to the application.
7. From evidence on Court record, a final police letter was issued on 1st September 2022 by Pangani Police Station and it confirmed that no one went to the station to claim the abandoned child and their efforts to trace the kindred of the child have been futile as shown by a copy of final letter attached to the summons.
8. Prior to the hearing of the fvrgrt adoption application, Little Angels Network prepared and filed a report dated 7th October 2022 and issued a Certificate Serial No 002292 declaring the child free for adoption as evidenced by the copy of report and certificate declaring a child free for Adoption attached to the application.
9. The guardian ad litem SK filed a report dated March 5, 2024 which was favourable and recommended the adoption of the child by the Applicant.
10. Caroline Olilo a Senior Children Officer conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 22.2.2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicant and that the Applicant has fulfilled the statutory requirements.
11. Dennis Muyeho Mukasa consented to be appointed as legal guardian for the child and informed court filed a consent attached to the summon.
12. This is a local adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child's biological parents whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicant.
13. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of the Constitution and Section 8 of the Children's Act, 2022. I do find that it is in the best interest of the child to be adopted by the Applicant. I therefore allow the prayers sought in the amended originating Summons dated 25th July 2023 and Order as follows:
 - i. The Applicant SMM is hereby allowed to adopt BABY D who shall henceforth be known as LJS.
 - ii. Her date of birth shall be 9th December 2021 and she is presumed to have been born at Pangani, Nairobi and a Kenyan citizen in accordance with Article 14(4) of the Constitution.
 - iii. DMM is hereby appointed the legal guardian of the child.
 - iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
 - v. The Director of Immigration is hereby directed to issue the child with a Kenyan Passport
 - vi. The guardian ad litem is hereby discharged.

DATED AT NAIROBI THIS 18TH DAY OF APRIL, 2024.



S. N. RIECHI
JUDGE

