



REPUBLIC OF KENYA



**In re Baby SG (Adoption Cause E165 of 2023)  
[2024] KEHC 4750 (KLR) (Family) (18 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 4750 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E165 OF 2023  
SN RIECHI, J  
APRIL 18, 2024**

**IN THE MATTER OF**

**PVK ..... APPLICANT**

**JUDGMENT**

1. The Applicant, PVWK is single. The Applicant has not been blessed with a child of her own and wishes to adopt a male child known as Baby SG through the Originating summons dated 15<sup>th</sup> August 2023.
2. The applicant is a female adult of sound mind aged 46 years old born on 4<sup>th</sup> November 1976 as evidenced by a birth certificate serial number XXXX and national identification card serial number XXXX attached to the application and therefore meets the age requirement under section 186(2) of the *Children Act*, 2022 to adopt.
3. From the evidence on record the court notes that the applicant is a business lady running Agri-Business and earning approximately Kshs.50,000/= monthly. She resides in South B, Kapiti Estate within Nairobi County. She professes Christian Faith.
4. The evidence before the court disclose that the minor was presumably born on 4<sup>th</sup> November 2015 to one AKB as evidenced by her birth notification serial number XXXX attached to the summons.
5. It is evidence on record that it was discovered that the said AKB was likely not the child's mother as the neighbors had not seen her pregnant.
6. The applicant stated that the neighbours rescued the child and took him to Kianyaga Police Station on 12<sup>th</sup> November 2015, where the matter was booked under O.B. No. XXXX/2015.
7. The applicant stated that AKB was arrested and the police referred the child to Kianyaga Children's Home, where he remained, pending criminal proceedings which were duly instituted against the alleged offender in Gichugu Principal Magistrate's Court, under Criminal Case No. XX of 2015.



8. The evidence before court indicate that the Sub- County Children’s Officer, Kirinyaga East was notified by the Police and she referred the child for committal into Kianyaga Children’s Home. The child was temporarily committed into Kianyaga Children’s Home on 20<sup>th</sup> November 2015 pending investigations and the hearing of the criminal case.
9. The evidence on record disclose that the Sub- County Children Officer, Kirinyaga East sought revocation of the child’s committal to Kianyaga Children’s Home and recommended that the child be committed to Neema House Infant Rescue Centre, Nanyuki as evidenced in a Committal Report dated 13<sup>th</sup> September 2017.
10. The child was committed into Neema House Infant Rescue Centre on 13<sup>th</sup> September 2017 by the Senior Resident Magistrate at Gichugu Law Courts as evidenced by Committal Orders given in Gichugu Principle Magistrate’s Court.
11. The applicant stated that the child was consequently discharged from Kianyaga Children’s Home on 13<sup>th</sup> September 2017 as evidenced by an Exit Form. (Pg. 80). The child was admitted into Neema House Infant Rescue Centre, Nanyuki on 13<sup>th</sup> September 2017 as evidenced by an Admission Form. (Pg. 81).
12. The child was placed under foster care of the applicant on 6<sup>th</sup> October 2022 as evidenced by a foster care agreement attached to the summons.
13. Prior to the hearing of the adoption application, Change Trust prepared and filed a report dated 11<sup>th</sup> November 2022. They also issued a Certificate Serial No.00552 declaring the child free for adoption as evidenced by the copies of report and certificate of declaring a child free for Adoption attached to the application.
14. The guardian ad litem GWK filed a report dated 7.3.2024 which was favourable and recommended the adoption of the child by the Applicant.
15. Harriet Kihara from the office of the Director of Children Services 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 11.03.2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant and that the Applicant has fulfilled the statutory requirements.
16. Patricia Wanjiru consented to be appointed as legal guardian for the child and informed court that she is sister in law of the applicant and they have filed a consent dated 3<sup>rd</sup> July 2023.
17. 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 are both unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicant.
18. 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 originating Summons dated 15<sup>th</sup> August 2023 and Order as follows:
  - i. The Applicant PVW is hereby allowed to adopt BSG who shall henceforth be known as ZSB
  - ii. His date of birth shall be 4<sup>th</sup> November 2015 and he is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
  - iii. PW is hereby appointed as the legal guardian of the child.



iv. The Registrar General is directed to enter this Order in the Adopted Children Registry.

v. The guardian ad litem is hereby discharged.

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

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**S. N. RIECHI JUDGE**

