



**In re JH alias LM (Baby) (Adoption Cause E163 of 2023)  
[2024] KEHC 3754 (KLR) (Family) (18 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 3754 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E163 OF 2023**

**SN RIECHI, J**

**APRIL 18, 2024**

**IN THE MATTER OF AN APPLICATION FOR  
THE ADOPTION OF BABY J H ALIAS BABY L M**

**IN THE MATTER OF**

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

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

**JUDGMENT**

1. The Applicants FIM and EMW are in a monogamous marriage which was solemnized in Kiambu County on 8<sup>th</sup> November 2003 as evidenced by copy of marriage certificate attached to the summons.
2. The Applicants have not been blessed with biological children of their own and wish to adopt a male child known as Baby JH alias Baby LM through the Originating Summons dated 18<sup>th</sup> August 2023.
3. From the pleadings, the court notes that the both the applicants are accountants by profession and they work at [Particulars Withheld] Kampala respectively. The applicants reside in [Particulars Withheld] within Kiambu County and they both profess the Christian faith.
4. From the pleadings the court gathers that the child was born on 6<sup>th</sup> April 2019 as evidenced by the annexed copy of birth certificate serial xxxxxx attached to the summons.
5. The evidence on record disclose that the child was found abandoned by her mother at Mama Lucy Kibaki Hospital. The matter was reported to Soweto Police Station *vide* OB NO.27/ 62/09/07/2021. The child was then admitted at Mama Lucy Kibaki Hospital-Embakasi in newborn unit.
6. From the evidence on court record, the matter was also reported to the sub-county Children Office Nairobi who temporarily sought placement for the child at Hope House Babies Home as the child needed care and protection.



7. From Evidence on record the child was admitted at Hope House Babies Home on 13<sup>th</sup> January 2022 and she was committed to Hope House Babies Home on 30<sup>th</sup> November 2022 by the Children’s Court Nairobi & C case No.639 of 2022 as evidenced by committal order annexed to the summons.
8. On 27<sup>th</sup> October,2022 a final police letter from Soweto Police Station was issued and 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 dated annexed to the summons.
9. Prior to the hearing of the adoption application, Change Trust Adoption Society prepared and filed a report dated 30<sup>th</sup> March 2023. They also issued a Certificate Serial No.xxxxxx declaring the child free for adoption which is annexed to the summon.
10. The guardian ad litem Hellen Nduta Kimani filed a report dated 6<sup>th</sup> March 2024 which was favourable and recommended the adoption of the child by the Applicants.
11. INM consented to be appointed as Legal Guardian of the child and filed a letter of consent dated 14<sup>th</sup> July 2019 as evidenced by a copy of letter of consent annexed to the summons. 12. Harriet Kihara, the Principal Children Officer from the office of the Director of Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child. She filed a report dated 11<sup>th</sup> March 2024 prepared by Ezekiel Kimani,assistant Director Nairobi County Children Services.
13. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since their whereabouts is unknown. The child was in court during the hearing and appeared to have bonded well with the Applicants.
14. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of the Constitution and Section 8 of the *Children’s Act* 2022. Consequently, my considered view is that it is in the best interest of the child to be adopted by the Applicants. Reasons wherefore, I allow the prayers sought in the Originating Summons dated 18<sup>th</sup> August 2023 and Order as follows:
  - i. The Applicants FIM and EMW are hereby allowed to adopt Baby JH Alias LM who shall henceforth be known as BMI
  - ii. The child is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
  - iii. INM 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 18<sup>TH</sup> DAY OF APRIL, 2024..**

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**S. N. RIECHI**

**JUDGE**

