



**In re TA alias Abandoned Baby Boy alias Unknown Baby Boy alias Unknown Baby
(Adoption Cause E131 of 2023) [2024] KEHC 4749 (KLR) (18 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 4749 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
ADOPTION CAUSE E131 OF 2023**

SN RIECHI, J

APRIL 18, 2024

IN THE MATTER OF

PGK 1ST APPLICANT

AW 2ND APPLICANT

JUDGMENT

1. The Applicants PGK and AW are in a monogamous marriage which was solemnized on 4th October 2018 as evidenced by a copy of their marriage certificate marked PAG 10 attached to the application.
2. Vide Originating Summons application dated 3rd April, 2023, the Applicants are seeking orders that;
 - i. That the Applicants be authorized to adopt TA Alias Abandoned Baby Boy Alias Unknown Baby Boy Alias Unknown Baby to be known as TKW.
 - ii. That the child be presumed a Kenyan Citizen by birth.
 - iii. That the child's date of birth be 5th April 2018 and the place of birth be Limuru.
 - iv. That the Registrar General be directed to enter the adoption in the Adopted Children Register.
 - v. That the Director of Immigration be authorized to issue the child with a Kenyan passport.
3. The application is premised on the grounds that the orders sought are in the best interest of the child and further grounds set out in the statement and affidavit of the applicants.
4. The evidence before court indicate that the 1st and 2nd applicants got married at the office of Registrar of Marriages in Germany under Marriage Registration Number Record number E XXX on 4th October 2018 as evidenced by copy of the Marriage Certificate attached to the application.
5. From the pleadings, the court notes that the 1st applicant is a Kenyan Citizen born on 29th December XX and the 2nd applicant is a German Citizen born on 12th August XX. The applicants attached copies



- of their national identification cards in support. The applicants therefore meet the age requirement to adopt the child.
6. From evidence on record the 1st applicant works in real estate while the 2nd applicant is an information technology specialist. The applicants are financially stable and thus able to provide fully for the child. The applicants profess Christian faith.
 7. The evidence before Court indicate that the child was found abandoned on 6th April 2018 in a garbage dump at King'eero, Kiambu County. The matter was reported to King'eero Police Station where it was recorded vide OB No.XX at 0745hrs and as OB.NO.XX at 1100hrs as evidenced by a copy of initial letter from Kingeero Police station attached to the application.
 8. From evidence on court record the child was taken to Tigoni District Hospital for medical checkup as evidenced by a copy of a report from Tigoni District Hospital attached to the application.
 9. From evidence before court the Kikuyu subcounty Children's Officer sought and obtained temporary placement for the child at Angels Center for Abandoned Children. The child was subsequently presented before the Children's Court in Kikuyu and was formally committed to Angel Center for Abandoned Children in C & P No.38 of 2018 as evidenced by a copy of the committal order attached to the application.
 10. King'eero Police Station has since confirmed that no one has reported or come forth to claim the child as evidenced by annexed copy of police final letter attached to the application.
 11. Prior to the hearing of the adoption application, Change Trust Adoption Society prepared and filed a report and also issued a Certificate Serial No.XXX and dated 19th July 2022 declaring the child free for adoption.
 12. The guardian ad litem Rehab Muthoni Waceke prepared and filed a report dated 26th February 2024 attached to the application which was favorable and recommended the adoption of the child by the Applicants.
 13. FNN and HNN consented to be appointed as the legal guardians of the child and filed a as evidenced by a copy of the consent attached to the summons.
 14. The Senior Children's officer Carolyne Olilo 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 7th March 2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
 15. 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 the child was abandoned at infancy and the parents could not be traced to give the consent. The child was in court during the hearing and appeared to have bonded well with the Applicants.
 16. I have examined the evidence herein and best interest of the child as required by Article 53 (2) of *the Constitution* and Section 8 the Children's Act,2022. Consequently, I find it is in the best interest of the child that he is adopted by the Applicants. I grant the prayers sought in the Originating Summons dated 3rd April 2023 and Order as follows:
 - i. The Applicants Applicants PGK and AW are hereby allowed to adopt Baby TA who shall henceforth be known as TKW.



- ii. His date of birth shall be XXX at ,Limuru and he is presumed to have been born in Kenya in accordance with Article **14(4)** of the **Constitution**.
- iii. FNN and HNN are hereby appointed as the legal guardians of the child.
- iv. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- v. The Director of Immigration is hereby authorized 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.

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S.N. RIECHI

JUDGE

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