



**In re FI (Child) (Adoption Cause 30 of 2022)
[2024] KEHC 3262 (KLR) (5 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 3262 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE 30 OF 2022
A MSHILA, J
APRIL 5, 2024
IN THE MATTER OF THE CHILDREN’S ACT
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER OF BABY FI (A CHILD)**

**IN THE MATTER OF
IKN APPLICANT**

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 27th day of September, 2022 and is premised under the provisions of Sections 154, 158 & 160 of the Children’s Act 2001 Laws of Kenya. The Applicant seeks the following Orders;
 - a. That FNM be appointed as Guardian Ad Litem of Baby FI;
 - b. That the Applicant IKN be authorized to legally adopt BABY FI who will be renamed as A-NMK;
 - a. ASN be appointed as next of kin and legal guardians to BABY FI;
 - c. That BABY FI be presumed to be a Kenyan citizen by birth;
 - d. The Registrar General do make the appropriate entry of FI in the Adopted Children’s Register.
2. The application was supported by a Statement and Affidavit made by the Applicant; The Guardian Ad Litem FNM was appointed on the 5th December, 2022; This court directed the Director of Children’s Services and the Guardian Ad Litem to carry out a home visit and do investigations and to prepare and file their Reports.
3. After visiting and interrogating the Applicant the Nairobi Sub-County Children’s Officer and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt baby FI the



reports were duly filed in court and are dated 20/02/2023 and; both reports are highly favourable to the Applicant and recommend her suitability as adoptive parent.

4. The baby FI who is female is estimated to have been born on 27th August, 2021; she was abandoned at Maragua District Hospital by her mother at a hospital bed and never returned; the case of abandonment was reported on the 28th August, 2021 at Maragua Police Station vide OB No.36/28/08/2021 and the baby FI was admitted to New Life Home Trust Nyeri for temporary shelter, care and protection whilst awaiting committal; under the Protection And Care Case No. 31 of 2021 the Children's Court sitting at Kigumo baby FI was formally committed vide Order issued on 7th September, 2021 to the aforesaid institution for protection and care until her fostering; On the 24/03/2021 she was declared free for adoption under Section 156(1) of the Children's Act 2001 and a Certificate Serial Number 05736 Buckner Kenya Adoption Services.
5. After reading and taking into consideration the contents of the Reports this court was satisfied that all the legal requirements had been adhered to notably; the Applicant is a Kenyan citizen who was single at the time of filing this application; the prospective adoptive parent IKN was aged 51 years and this court is satisfied that her age falls within the prescribed legal parameters; The Applicant has no biological children of her own and is a part time lecturer at Strathmore University and is also self employed as a Researcher cum Development Consultant; the Applicant produced into court copies of her Bank Statements to prove her financial capability to support Baby FI when she assumes responsibility of her upbringing.
6. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the family of the Applicant or any individual characteristics or lifestyle that would be detrimental to the baby;
7. It is noted that this is was a case of abandonment therefore the consent of the biological parents shall be dispensed with and the court takes note that the consent of the proposed Legal Guardian has been duly filed.
8. For the reasons stated above this court is satisfied that the Applicant has fulfilled all the pre-requisites for adoption orders and is found to be suitable a person to adopt Baby FI and the court is further satisfied that the order for adoption will be in the best interest of the child.

Findings & Determination

9. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
 - i. The Applicant is hereby authorized to adopt baby FI; she shall be known as A- NMK N;
 - ii. That BABY A- NMK N be and is hereby presumed to be a Kenyan citizen;
 - iii. The Registrar General is hereby directed to enter this adoption order of A- NMK N in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name A- NMK N;
 - e. The Guardian Ad Litem FNM is hereby discharged and ASN be and are hereby appointed as next of kin and legal guardian to BABY A- NMK N until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 5th DAY OF APRIL, 2024.



HON. A. MSHILA

JUDGE

In the presence of;

Martin – Court Assistant

Miss Kilonzo for Applicant

