



**In re SC alias Abandoned Baby alias Abandoned Child (Adoption Cause E218 of 2023) [2024] KEHC 11125 (KLR) (19 September 2024) (Judgment)**

Neutral citation: [2024] KEHC 11125 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**ADOPTION CAUSE E218 OF 2023**  
**CJ KENDAGOR, J**  
**SEPTEMBER 19, 2024**  
**IN THE MATTER OF THE CHILDREN'S ACT NO. 8 OF THE LAWS OF KENYA**  
**AND**  
**IN THE MATTER OF ADOPTION OF SC ALIAS**  
**ABANDONED BABY ALIAS ABANDONED CHILD**  
**IN THE MATTER OF**  
**JIMW ..... APPLICANT**

**JUDGMENT**

1. The Originating Summons before me is dated 26<sup>th</sup> October, 2023. It is expressed to be brought under Sections 156 (1), (2), 183 (1), 184 (1), 185 (1), 186 (1) (b), (2) (b), 188(1), (2), (3), (4), 189, 194, 195(1) and 201 of the Children Act 2022 Laws of Kenya. The Applicants, JIMW seeks orders:
  1. That PNK be appointed as the guardian ad litem.
  2. That the Applicant be authorized to adopt SI alias Abandoned Baby Alias Abandoned Child to be known as AM.
  3. That the child be presumed a Kenyan Citizen by birth.
  4. That the child's date of birth be 21<sup>st</sup> February 2022, and the place of birth be Hardy Karen.
  5. That the Registrar General be directed to enter the adoption in the Adopted Children Register of Adoptions.
  6. That the Director Immigration be authorized to issue the child with a Kenyan passport.
  7. That ANG and DN be appointed the legal guardians of the child in the event of the death or incapacity of the Applicant before the child is of age or independent.
  8. That the court be pleased to make any further orders it deems necessary.



2. The Summons is supported by a statement and affidavit by the Applicant. The Court directed that the Children's Department do investigations and file a report. A report has been duly filed in Court. It is dated 13<sup>th</sup> May, 2024. The Court appointed a *Guardian ad Litem* to investigate and file a report. PNK, the Guardian ad Litem, has also filed a report dated 11<sup>th</sup> April, 2024.
3. The Minor was found abandoned at Karen, Nairobi, along Jacob Chege Drive off Bogani, on 6<sup>th</sup> March, 2022. She was rescued by two good Samaritans. The matter was reported at Hardy Police Station as OB No. 18/06/03/2022. Later, the child was committed to [Particulars Withheld] Kilimani. The Nairobi Children's Court finally committed her to the Change Trust Adoption Society, which issued a Certificate to declare her free for adoption on 03/12/2022.
4. The Applicant is a Kenyan citizen. She is a single mother. She works as a health policy analyst. She lives in a three-bedroom house in [Particulars Withheld], Nairobi, with her daughter and a house help. She has a biological daughter who is 11 years old. She produced her pay slip from her employer, showing that she is financially capable and perfectly willing to assume the responsibility of bringing up the minor. She also produced her medical record, which shows that she is in good health.
5. All the information presented before me demonstrates that the Applicant is an emotionally and financially stable individual who is fit to take on parental responsibility for the minor.
6. The Applicant was investigated by Change Trust Society and found fit as an adoptive parent. A copy of the Social Inquiry and Home Study Report was annexed.
7. Both the Report by the *Guardian ad litem* and the County Children's Coordinator were duly filed. They are quite favourable to the Applicants and highly recommend the adoption.
8. The minor has been in the care and protection of the Applicant since 30<sup>th</sup> December, 2022. The Guardian ad litem and the County Children's Coordinator report that the child has bonded very well with the Applicant.
9. The Applicant wishes to have DN and his wife ANG as the minor's Legal Guardians. DN appeared before me and confirmed that he and his wife have consented to this appointment.
10. The Applicant, the *Guardian ad litem* and the Legal Guardians appeared before me and satisfactorily answered questions posed by the Court.
11. The primary consideration in an Adoption Application is whether the Applicant has fulfilled all the pre-requisites to be granted the Adoption Orders. These are mainly found in Sections 158 and 163 of the *Children Act*. I have now carefully read all the documents filed in the case. I have confirmed that all the reports and consents needed are on file. The minor is free for adoption, and Change Trust, an authorized adoption society, has issued a Certificate to that effect. The biological parents are certifiably unknown and their consent is hereby waived. The consents of the proposed Guardians and the Applicant are on record.
12. In addition, I have read the report filed by the County Coordinator of Children Services as well as the reports by the *Guardian Ad Litem* and the Adoption Society. All reports are unanimous that it will be in the best interests of the minor for the Court to grant the Adoption Orders. I see no reason to dissent from those views. I am satisfied that the Applicant meets all the attributes required of Applicants in Section 158 of the *Children Act*. I am also satisfied that the Applicant understands the consequences and import of Adoption Orders. Finally, I am satisfied that it is in the minor's best interests that the adoption orders be given.



13. Having considered all the evidence and perused all the documents, I am persuaded that the Applicant is a fit adoptive parent who will provide a suitable home and parentage for the minor herein. Consequently, I allow the Originating Summons and grant the following prayers:
- i. That the Applicant be and are hereby authorized to adopt SI alias Abandoned Baby alias Abandoned Child, and the child shall be known as AM henceforth.
  - ii. That AM be and is hereby presumed to be a Kenyan citizen by birth.
  - iii. That the Registrar-General make appropriate entries in the adopted children's register in respect of the minor, AM.
  - iv. That the Registrar of Births and Deaths be and is hereby directed to issue the child with a birth certificate in the name, AM.
  - v. That the child's date of birth be 21<sup>st</sup> February 2022, and the place of birth be Hardy Karen.
  - vi. That Baby AM be issued a Kenyan passport by the Director of Immigration upon appropriate application.
  - vii. That DN and ANG be and are hereby appointed Legal Guardians to the minor herein.
  - viii. That the *Guardian ad Litem* is discharged.
14. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT ONLINE PLATFORM ON 19<sup>TH</sup> SEPTEMBER, 2024.**

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**C. KENDAGOR**  
**JUDGE**

In the presence of:

Court Assistant: Beryl

