



**In re Baby H alias SNL (Adoption Cause E189 of 2022)
[2023] KEHC 17459 (KLR) (Family) (13 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 17459 (KLR)

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

FAMILY

ADOPTION CAUSE E189 OF 2022

DKN MAGARE, J

APRIL 13, 2023

IN THE MATTER OF ADOPTION OF BABY H ALIAS SNL

BY

IN THE MATTER OF

SMW APPLICANT

JUDGMENT

1. The Applicant filed application to adopt the minor herein baby SH. The matter proceeded by way of viva voce evidence where 4 witnesses testified.
2. Winfred Ikinya, an assistant director of children services testified that the child was abandoned and committed to a children's home through P & C E 549/2021.
3. Subsequently, after lapse of 18 months, and no claim had been made, the child was freed for adoption vide Certificate No. 00438 by the relevant adoption society. The directorate of children services made home visit, and interviewed the Applicant. The Applicant was assessed and found to have bonded well with the child.
4. Various reports from the children services dated February 2, 2023, from the guardian ad litem and the adoption agency were produced in evidence and are on record. The legal guardian filed her consent in court on April 4, 2023.
5. FWM testified that she is the Guardian Ad litem and produced her report. She confirmed that she recommends the application. FMG, the Legal Guardian testified and confirmed her readiness as a default Guardian.
6. Various reports were adopted, that is the reports from the adoption society, the secretary of children service and the Guardian Ad litem. I have perused the same together with the financial reports and I



am satisfied that the Applicant is a proper one. I also note that the Applicant meets the requirements for adoption under Section 183 of the *Children's Act*.

7. I have not seen any impediment to the Applicant as she is not disqualified by dint of Section 186 (6) (2) & (4).
8. I am thus inclined to allow the applicant in the best interest of the child. This will provide the child with a home as opposed to being in the Children's home.
9. I therefore allow the Originating Summons as follows; -
 - a. The Applicant SMW is allowed to adopt baby SH alias SNL to be known as RSNW.
 - b. The Registrar General to enter the adoption in the Registrar of adoption.
 - c. The Registrar of Births and Death to issue the child with a birth certificate.
 - d. The consent of the biological parents be dispensed with.
 - e. FMG be appointed the Legal Guardian of the minor herein
 - f. The Child to be presumed Kenyan and born in Nairobi.
 - g. The Director of Immigration is authorized to issue a Kenyan passport to the Child.
 - h. The child's date of birth be declared to be April 10, 2020 and her place of birth be declared as the Nairobi.
 - i. The Guardian ad litem be and is hereby discharged.
 - j. The file is sealed and closed.

**DELIVERED, DATED AND SIGNED AT NAIROBI ON THIS 13TH DAY OF APRIL, 2023.
JUDGMENT DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

HON. MR. JUSTICE DENNIS KIZITO MAGARE

JUDGE OF THE HIGH COURT, NAIROBI

In the presence of;

No Appearance for parties

Steve Buoro –Court Assistant.

