



REPUBLIC OF KENYA



**In re Baby E (A Child) (Adoption Cause E004 of 2023)
[2023] KEHC 22703 (KLR) (22 September 2023) (Judgment)**

Neutral citation: [2023] KEHC 22703 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E004 OF 2023**

A MSHILA, J

SEPTEMBER 22, 2023

IN THE MATTER OF

JM APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 15th day of February, 2023 and is premised under the provisions of Sections 2, 3, 7, 8, 11, 12, 17, 31, 183, 185, 186, 187, 188(4), 193, 194, 195, 200, 201, 210 and 211 of the *Children Act* (Act No 29 of 2022) and Section 24 of the *Interpretation and General Provisions Act* (Chapter 2 of the Laws of Kenya) Section 9 of the Citizenship and Immigration Act 2011, Article 53 of the Constitution of Kenya and all other enabling provisions of the law. The Applicant seeks the following Orders;
 - a. That GWK be appointed as Guardian Ad Litem of the child EPM;
 - b. That the Applicant JM be authorized to legally adopt the child EPM who will be known as EPM;
 - c. That the child EPM be presumed to be a Kenyan citizen;
 - d. That JNM and EMKN be appointed as next of kin and legal guardians to the child EPM;
 - e. The Registrar General do make the appropriate entry of EPM in the Adopted Children's Register.
2. The application was supported by a Statement and Affidavit made by the Applicant; The Guardian Ad Litem GWK was appointed on the 10th May, 2023; 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 file their Reports.
3. After visiting and interrogating the Applicant the Nairobi County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants' suitability to adopt the child EPM; the



reports were duly filed in court and are dated June 19, 2023 and June 26, 2023; both reports are highly favourable to the Applicant and recommend her suitability as an adoptive parent.

4. The child EPM who is male was born on June 10, 2010 and was found abandoned around Githurai 44 by a Good Samaritan; upon being rescued the matter was reported to Kasarani Police Station through OB No 49/3/7/2012; The child EPM was temporarily placed at Happy Life awaiting committal; Under the Protection and Care Case No 414/2012 the Children's Court sitting at Nairobi the child EPM was formally committed vide Order issued on November 9, 2016 to the aforesaid institution for protection and care until his fostering; On April 29, 2015 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number 470 was issued by the Society.
5. After reading and taking into consideration the contents of these Reports the court is satisfied that all the legal requirements have been adhered to notably; the Applicant is a Kenyan citizen; at the time of filing this application the prospective adoptive parent JM a single lady was aged 65 years and therefore her age falls within the prescribed legal parameters; The Applicant has no biological children of her own; She currently carries on business and tendered into court copies of Title documents and Bank Statements to prove her financial capability to support the child EPM 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 child;
7. It is noted that the child EPM is thirteen (13) years of age and his written consent to be adopted is dated January 11, 2023 has been duly filed; the consent of the proposed Legal Guardians has also 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 a suitable person to adopt the child EPM and it 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;
10. The Applicant is hereby authorized to adopt child EPM; he shall be known as EPM.
11. That EPM be presumed to be a Kenyan citizen;
12. The Registrar General is hereby directed to enter this adoption order of EPM in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name EPM.
13. The Guardian Ad Litem GWK is hereby discharged and JNM and EMKN be appointed as next of kin and legal guardians to EPM until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 22ND DAY OF SEPTEMBER, 2023.

HON.A. MSHILA

JUDGE



In the presence of;
Kimenye – for the Applicant

