



**In re Adoption of NB (A Child) (Adoption Cause E133 of 2023)  
[2024] KEHC 14171 (KLR) (Family) (14 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14171 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E133 OF 2023  
SN RIECHI, J  
NOVEMBER 14, 2024  
IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF NB (A CHILD)**

**IN THE MATTER OF  
ALWT ..... APPLICANT**

**JUDGMENT**

1. The Applicant, ALWT is a single applicant. The Applicant has been blessed with with two biological children namely ANT aged 9 years old and JNMT aged 6 years old. The applicant now wishes to adopt a male child known as Nehemiah Baraka through the amended Originating summons dated 31<sup>st</sup> October 2024 .
2. The applicant is a female adult of sound mind who is 49 years old having been born on 16<sup>th</sup> March 1975 as evidenced by a copy of her national identification card number 13XXXX48 attached to the application. She therefore meets the age requirement under section 186(2) of the Children Act, 2022 to adopt.
3. From the pleadings, the court notes that the applicant, is an accountant by profession employed by [particulars withheld]. She resides in Kileleshwa within Nairobi County. She professes the Christian faith.
4. The evidence before the court indicates that the minor was born on 13<sup>th</sup> August 2021 as evidenced by a copy his birth certificate serial number 62XXX36 attached to the application.
5. The court finds from evidence on record that the child was found abandoned at a bridge near Ruaraka Neema Uhai Hospital on 18<sup>th</sup> August 2021. The child was rescued by members of the said hospital and admitted at the facility for medical check-up.



6. The matter was reported at Kasarani Police Station where the matter was recorded and booked vide Occurrence Book Number 61/18/8/2021 as evidenced by police initial letter attached to the application. Upon rescue the child was placed under the care and protection of Rehema PEFA Children's Home as evidenced by police initial letter dated 18<sup>th</sup> August 2021 attached to application.
7. From the evidence on record this court finds that on 18<sup>th</sup> August 2021, Kasarani Sub-County Children's Officer issued a letter addressed to Rehema PEFA Children's home and the letter confirmed the child had been abandoned and in need of care and protection. The child was admitted to the said home on 18<sup>th</sup> August 2021 as evidenced by a copy of admission form attached to the application.
8. From evidence on record the court finds that on 29<sup>th</sup> September 2021, the Resident Magistrate Children's Court Nairobi committed the child to Rehema PEFA Children's Home vide care and protection number E571 OF 2021 for a period of three years as evidenced by a copy of committal order attached to the application.
9. From evidence on Court record, on 3<sup>rd</sup> March 2022 a final police letter was issued by Kasarani Police Station and it confirmed that no one went to the station to claim the abandoned child and their efforts to trace the kindred of the child have been futile as shown by a copy of final police letter dated 3<sup>rd</sup> March 2022 attached to the summons.
10. Prior to the hearing of the adoption application, Little Angels Network Adoption Society prepared and filed a report dated 6<sup>th</sup> April 2022 recommending the adoption . They also issued a Certificate Serial No 002251 declaring the child free for adoption pursuant to section 156 (1) of the Children's Act as evidenced by the copies of a report and certificate declaring a child free for Adoption attached to the application.
11. The guardian ad litem Ms.Agnes Mwihaki Mwangi filed a report dated 6<sup>th</sup> August 2024 which was favourable and recommended the adoption of the child by the Applicant.
12. Ms.Winfred Ikinya,the Assistant Director Children's Services conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 22.7. 2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicant and that the Applicant has fulfilled the statutory requirements.
13. Ms.NWT and Mr.VEW consented to be appointed as legal guardians for the child and she filed a letter of consent dated 16.05.2021 attached to the application.
14. This is a local adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child's biological parents whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicant.
15. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of *the Constitution* and Section 8 of the Children's Act,2022. I do find that it is in the best interest of the child to be adopted by the Applicant. I therefore allow the prayers sought in the amended originating Summons dated 31<sup>st</sup> October 2024 and Order as follows:
  - i. The Applicant ALWT is hereby allowed to adopt Baby NB who shall henceforth be known as ENT.
  - ii. The child is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.



- iii. NWT and VEW are hereby appointed the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
- v. The guardian ad litem is hereby discharged.

**DELIVERED AT NAIROBI THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2024.**

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**S. N. RIECHI**  
**JUDGE**

