



**In re Baby HI (Adoption Cause E091 of 2024)  
[2024] KEHC 14219 (KLR) (Family) (14 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14219 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E091 OF 2024**

**SN RIECHI, J**

**NOVEMBER 14, 2024**

**IN THE MATTER OF AN APPLICATION FOR  
THE ADOPTION OF BABY HARRIET IMINZA**

**IN THE MATTER OF**

**SKN ..... 1<sup>ST</sup> APPLICANT**

**PNG ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants, SKN and PNG are in a monogamous marriage that was solemnized on 27<sup>th</sup> April 2013 at Ack St.ann’s Church Mwiki as evidenced by a copy of their marriage certificate serial number 840976 attached to the application.
2. The Applicants have not been blessed with a child of their own. The applicants now wish to adopt a female child known as Baby HI through the Originating summons dated 12<sup>th</sup> April 2024
3. The 1<sup>st</sup> applicant is a male adult of sound mind who is 49 years old having been born on 12<sup>th</sup> December 1974 as evidenced by a copy of national identification card number 20812774 attached to the application. The 2<sup>nd</sup> applicant is a female adult aged 52 years old having been born on 29<sup>th</sup> September 1971. The applicants therefore meet the age requirement under section 186(2) of the [Children Act, 2022](#) to adopt.
4. From the pleadings, the court notes that the 1<sup>st</sup> applicant is a Salesman employed by Farmer’s Choice Ltd and the 2<sup>nd</sup> applicant is a Business Ladt dealing in school transport . The applicants reside in Kariobangi Civil Servants quarters,Court No.6 within Nairobi County. The applicants profess the Christian faith.



5. The evidence before the court indicate that the minor was presumably born on 29<sup>th</sup> December 2018 at Kenyatta National Hospital to one HI. The applicants stated three days after the child was born, the mother absconded from the hospital leaving him behind.
6. From the evidence on record the court finds that the matter was reported to Kenyatta National Hospital Police Post where it was booked through OB Number 20/27/02/2019. The child remained at the hospital until he was discharged on 6<sup>th</sup> March 2019. The evidence on record indicates ON 18.03.2019, the Nairobi Children's Court Children's officer wrote to Imani Children's Home requesting that they take care of the child pending adoption.
7. The child was on 24<sup>th</sup> October 2019 committed to the care of Imani Children's Home for 3 years through the Children's Court at Milimani vide C& P number 1352/2019. The child remained at the said HOME until he was placed with the applicants on 30<sup>th</sup> September 2020 as evidenced by copies of committal order and foster care agreement attached to the application.
8. The evidence on record indicates on 15<sup>th</sup> August 2015 the baby was placed at Kardesh Ber Nea Baby and Children Home. The baby was committed to the said home under P& C No. 215/2015 as evidenced by a copy of committal order attached to the application.
9. The Kenyatta National Police Post issued police final letter dated 6<sup>th</sup> August 2019 stating that the efforts to trace the child's family had been fruitless as evidenced by a copy of a letter attached to the application.
10. Prior to the hearing of the adoption application, KKPI Adoption Society s prepared and filed a report dated 15<sup>th</sup> November 2019. They also issued a Certificate Serial No 894 declaring the child free for adoption 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 EWK filed a report dated 17<sup>th</sup> September, 2019 which was favourable and recommended the adoption of the child by the Applicants.
12. Nyaranga Odundo, the Children's officer from the Director of Children 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 9<sup>TH</sup> September 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 Applicants and that the Applicants have fulfilled the statutory requirements.
13. SN and FM consented to be appointed as legal guardians for the child and they filed a letter of consent dated 23<sup>rd</sup> May 2019 attached to the application.
14. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
15. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
16. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
17. This is a local adoption and from the record the Applicants have 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 Applicants.



1. 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 Applicants. I therefore allow the prayers sought in the originating Summons dated 12<sup>th</sup> April 2024 and Order as follows:
  - i. The Applicants SKN and PNG are hereby allowed to adopt Baby HI aka Baby DI who shall henceforth be known as EWK.
  - ii. He is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
  - iii. SN and FHM are hereby appointed as the legal guardians 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 14th day of November, 2024**

**S. N. RIECHI**

**JUDGE**

