



**In re Adoption of Baby AM (Adoption Cause E169 of 2024)
[2024] KEHC 14164 (KLR) (Family) (7 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14164 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E169 OF 2024**

SN RIECHI, J

NOVEMBER 7, 2024

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY A M

IN THE MATTER OF

CNM APPLICANT

JUDGMENT

1. The Applicant, CNM is a single applicant. The Applicant has not been blessed with a child of her own and wishes to adopt a female child known as Baby A through the Originating summons dated 7th August 2024.
2. The applicant is a female adult of sound mind who is 44 years old having been born on 13th July 1980 as evidenced by a copy of national identification card number 21xxx40 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 a Human Resource Manager and she resides in [Particulars Withheld] in Nairobi County. She professes the Christian faith.
4. The evidence before the court indicate that the minor was presumably born on 5th November 2022 at [Particulars Withheld] Kisii. The applicant stated the minor was found abandoned at the garbage pit within [Particulars Withheld] by three good Samaritans namely; F, R and L of telephone numbers 0703305XXX, 011520XXX and 0701366XXX.
5. The evidence on record indicate the matter was reported to Kisii Police station through OB number 94/05/11/2022 as evidenced by police Initial Letter dated 13th December 2022 attached to the summons. Evidence on record indicate the child was referred to Kisii Teaching and Referral Hospital for medical examination.



6. The Sub County Children Officer sought for a vacancy of the minor at New Life Home trust which was availed. The minor was admitted at the said home as a child in need of care and protection on 16th December 2022 as evidenced by a copy of the placement letter, rescue referral form and admission form attached to the application.
7. On 16th December 2022, the Sub-County Children's officer-Kisii Central, made an application at Chief Magistrate's Court at Kisii requesting the child to be committed at New Life Home Trust and on the same date the Children's Court Kisii committed the child to New Life Home Trust under care and protection case number 1311 of 2022 as evidenced by a copy of committal order attached to the application.
8. From evidence on Court record, final police letters were issued on 26th September 2023 and 29th September 2023 by Kisii Central 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 letter attached to the summons.
9. Prior to the hearing of the adoption application, Kenya Children's Home Adoption Society prepared and filed a report dated 7th October 2024. They also issued a Certificate Serial No 959 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.
10. The guardian ad litem MMK filed a report dated 8th October 2024 which was favourable and recommended the adoption of the child by the Applicant.
11. The Assistant Director Winfred Ikinya from the office of 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 22.9.2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant and that the Applicant has fulfilled the statutory requirements.
12. JNM consented to be appointed as legal guardian for the child and she filed a consent attached to the application.
13. 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.
14. 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 originating Summons dated 7th August 2024 and Order as follows:
 - i. The Applicant CNM is hereby allowed to adopt Baby A MM who shall henceforth be known as MWM.
 - ii. Her date of birth shall be 5TH November 2022 and her place of birth shall be [Particulars Withheld]-Kisii County. She is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
 - iii. JNM is 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 7TH DAY OF NOVEMBER, 2024

S. N. RIECHI

JUDGE

