



**In re Adoption of SS aka SAN (Adoption Cause E197 of 2023)
[2024] KEHC 14233 (KLR) (Civ) (7 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14233 (KLR)

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

CIVIL

ADOPTION CAUSE E197 OF 2023

SN RIECHI, J

NOVEMBER 7, 2024

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF SS AKA SAN

BY

IN THE MATTER OF

JNM 1ST APPLICANT

MKO 2ND APPLICANT

JUDGMENT

1. The Applicants, JNM and MKO are in a monogamous marriage which was solemnized on 8th June 2011 at Nyamwanga SDA Church as evidenced by a copy of their marriage certificate serial number 75XX44
2. The 1st applicant is a Kenyan Citizen aged 49 years old born in 1974 as evidenced by a copy of his National Identification Card serial number 205XXXXX10 attached to the summons. The 2nd applicant is a Kenyan Citizen aged 46 years old born on 3rd November 1977 as evidenced by a copy of her national identification card serial number 202XXXXX30.
3. The applicants do not have biological children of their own but have one adopted child namely BM born on 10th August 2023. The applicants now wish to adopt a male child known as Baby SS through the Originating Summons dated 6th October 2023 .
4. From the pleadings, the court finds that the 1st applicant is a TSC Teacher. The 2nd Applicant is a secretary employed by [particulars withheld] School. The applicants reside in Rongai within Kajiado County. Both profess Christian faith.
5. The evidence on record indicate that the minor was presumably born on 18th February 2021. He was found abandoned at Kizito area within Mwiwoko on 7th April 2022 by a good Samaritan one Cinderella



- Amagove of telephone number 0720xxxx64 who is a resident of Githurai 45. The matter was reported to Mwhoko police station where it was recorded vide Occurrence Book Number 38/07/04/2022 as evidenced by the police initial letter dated 21st April 2022 attached to the application.
6. The OCS Mwhoko Police Station informed the Sub County Children’s Officer Ruiru who sought a vacancy at Limuru Children’s Center for care and protection and it was availed. The minor was admitted at the said home on 21st April 2022 as evidenced by the attached copy of the referral form and baby admittance form.
 7. The evidence on record indicate the child was committed to Limuru Children’s Center as a child in need of care and protection at Ruiru Children’s court on 1st December 2022 vide protection and care case number E026 of 2022 for a period of one year as evidenced by a copy of committal order attached to the application.
 8. The Mwhoko Police Station issued a final letter dated 17th April 2023 in which it stated that no one went to claim for the abandoned child and their efforts to trace the child’s relatives proved futile as evidenced by a copy of the final police letter attached to the application.
 9. Prior to the hearing of the adoption application, Kenya Children’s Home Adoption Society prepared and filed a report dated 4th June 2024 . They also issued a Certificate serial number 899 declaring the child free for adoption as evidenced by the copies of report and certificate declaring a child free for Adoption attached to the application.
 10. The child was placed under the foster care of the applicants on 5th May 2023 pending adoption as evidenced by a copy of the foster care agreement attached to the application.
 11. 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.
 12. 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.
 13. 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.
 14. The guardian ad litem Ms.EM filed a report dated 30.8.2024 which was favourable and recommended the adoption of the child by the Applicants.
 15. Winfred Ikinya Assistant Director of Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 24th July 2021 recommending 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.
 16. The legal guardian CKM consented to be appointed as legal guardian of the child and she filed a letter of consent 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 since their whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicants.
 18. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of the *the Constitution* and Section 8 the Children’s Act,2022. I 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 amended originating Summons dated 6th October 2023 and Order as follows:

- i. The Applicants JNM and MKO are hereby allowed to adopt Baby SS who shall henceforth be known as Samuel Ateka Nyabuto.
- ii. He is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution and his date of birth shall be 18th February 2021 in Nairobi County.
- iii. CKM is hereby appointed the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- v. The guardian ad litem is hereby discharged.

DELIVERED AT NAIROBI THIS 7TH DAY OF NOVEMBER, 2024.

S. N. RIECHI

JUDGE

