



**In re Baby MZ (Adoption Cause E170 of 2024)  
[2024] KEHC 14220 (KLR) (Family) (7 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14220 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E170 OF 2024**

**SN RIECHI, J**

**NOVEMBER 7, 2024**

**N THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY**

**MZ**

**IN THE MATTER OF**

**DWK ..... APPLICANT**

**JUDGMENT**

1. The Applicant, DWK 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 BMZ through the Originating summons dated 7<sup>th</sup> August 2024.
2. The applicant is a female adult of sound mind who is 30 years old having been born on 9<sup>th</sup> December 1993 as evidenced by a copy of her national identification card number 30###3 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 Business Lady and she resides at Rumuruti in Nairobi County. She professes the Christian faith.
4. The evidence before the court indicates that the minor was presumably born on 24<sup>th</sup> May 2023. The child was found abandoned at [Particulars withheld] in Thika on 27.05.2025 at Madarake market within [Particulars withheld] area. The child was rescued by a good Samaritan one SEK. The good Samaritan reported the incident at [Particulars withheld] police station. The matter was recorded *vide* Occurrence Book Number 79/27/5/2023 as evidenced by initial police letter dated 27<sup>th</sup> May 2023 attached to the application.
5. The evidence on record indicates that the Sub County Children’s Officer - Thika West sought a vacancy of the minor at [particulars withheld] Children’s Home where she was admitted on 9<sup>th</sup> June 2023 as a



- child in need of care and protection as evidenced by a copy of the released abandoned child, placement letter, rescue referral form and admission form attached to the application.
6. The evidence on record indicate the child was committed to [particulars withheld] Children's Home through Thika Children's Court on 8<sup>th</sup> June 2023 under care and protection case number E109 of 2023 as evidenced by a copy of committal order attached to the application.
  7. From evidence on Court record, a final police letters was issued on 23<sup>rd</sup> January 2024 by [Particulars withheld] 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.
  8. Prior to the hearing of the adoption application, Kenya Children's Home Adoption Society prepared and filed a report dated 20<sup>th</sup> March 2024. They also issued a Certificate Serial No 956 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.
  9. The guardian ad litem SK filed a report dated 4<sup>th</sup> October 2024 which was favourable and recommended the adoption of the child by the Applicant.
  10. WI, the Assistant Director 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 22.10.2024. 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.
  11. TWM consented to be appointed as legal guardian for the child and she filed a consent attached to the application.
  12. 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.
  13. 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 7<sup>th</sup> August 2024 and Order as follows:
    - i. The Applicant DWK C is hereby allowed to adopt BMZ who shall henceforth be known as MNW.
    - ii. Her date of birth shall be 24<sup>th</sup> May 2023 and her place of birth shall be [Particulars withheld], Nairobi County. The child is presumed to have been born in Kenya in accordance with Article 14(4) of the *Constitution*.
    - iii. TWM 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 7<sup>TH</sup> DAY OF NOVEMBER, 2024**

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

