



**In re Baby BP (A Child) (Adoption Cause E250 of 2024)
[2025] KEHC 3164 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3164 (KLR)

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

FAMILY

ADOPTION CAUSE E250 OF 2024

SN RIECHI, J

FEBRUARY 27, 2025

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY BP (A CHILD)

IN THE MATTER OF

AMN 1ST APPLICANT

JOO 2ND APPLICANT

JUDGMENT

1. The Applicants, AMN & JOO in a monogamous marriage. The applicants’ marriage was solemnized on 28th July 2018 at Langata Kingdom Mall as evidenced by a copy of Marriage Certificate serial number xxxxx attached to the application.
2. The male applicant is a Kenyan citizen aged 36 years old having been born on 4th November,1988 as evidenced by a copy of his national identification card number xxxxxxxx attached to the summons. The female applicant is a Kenyan citizen aged 48 Years old having been born on 10th May 1976 as evidenced by a copy of her national identification card number 14---75 attached to the application.
3. The male applicant is a project manager at United Nation. The female applicant is a Salesperson at HP Inc. The applicants reside at Freedom Heights. They both profess Christian Faith.
4. The applicants union is not blessed with a child of their own and therefore the applicants wish to adopt a male child known as Baby BP aged 1 Year 7 months through an originating summons dated 13th September 2024.
5. The evidence before the court indicates that the minor was born on 13th August 2021 as evidenced by a copy his birth certificate serial number xxxxxxx attached to the application.



6. The court finds from evidence on record that the child was found along Muratina Road in Juja Estate by a good Samaritan one Catherine Mutwa Kitheka of phone number 0716xxxxxx a resident of Mathare.
7. The good Samaritan averred that on 5th July 2023 at 5.30AM she found the child abandoned beside a car in the parking lot. The good Samaritan took the baby to MSF Facility along Juja Road, Lavender house as evidenced by a copy of her written statement by District Children's Officer, Kamukunji attached to the application.
8. From the evidence on record the court finds that the matter was recorded and booked vide Occurrence Book Number xx/05/07/23 as evidenced by police initial letter attached to the application.
9. The evidence on record indicates that upon rescue the child was placed was taken to Pumwani Maternity Hospital for medical examination by MSF officer as evidenced by attached copy of Nursing notes from Pumwani Maternity Hospital and picture of the child as at 5/07/2023.
10. From the evidence on record the District Children's Officer, Kamukunji District on 5th July 2023 sought a vacancy of the minor at House of Charity Children's Home which was availed and the child was admitted at the said institution as a child in need of care and protection on 5th July 2023 and named BPJ as evidenced by a copy of the referral form and admission form for House of Charity Children Home attached to the application.
11. The Child was then committed to House of Charity Children's Home for a period of 3 month vide protection & care number E xxx of 2023 by the Children's Court at Nairobi on the 20th of September 2023 as evidenced by a copy of the application by the District children's Officer for Committal dated 7th August 2023 & the Committal order dated 20th September 2023 both attached to the application.
12. From the pleadings this court finds that all efforts to trace the biological mother or family of the child herein have borne no fruits and the child has thus remained unclaimed and as such presumed to have been abandoned under the auspices of section 185(2) (a) of the *Children's Act*, 2022 as evidenced by a letter dated 11/01/2024 from House of Charity, children Home and copy of the police final letter dated 29th January 2024 both attached to the application.
13. Prior to the hearing of the adoption application, Buckner Kenya Adoption Services prepared and filed a report dated 5th July 2023 recommending the adoption . They also issued a Certificate Serial N.xxxx 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.
14. The guardian ad litem Ms.SWM filed a report dated 10th February 2025 which was favourable and recommended the adoption of the child by the Applicants.
15. Mr.Ezekiel Kimani, the Assistant Director Children's 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 10th February 2025. 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.
16. Ms. PK and Mr.MMN consented to be appointed as legal guardians for the child and signed their letters of consent attached to the application.
17. 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.

18. 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 13th September 2024 and Order as follows:

- i. The Applicants AMN and JOO are hereby allowed to adopt BABY BPJ who shall henceforth be known as JPO.
- ii. The child is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution and his date of birth shall be 5th July 2023.
- iii. Ms. PK and Mr. MMNNW are hereby appointed 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 27TH DAY OF FEBRUARY 2025

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S. N. RIECHI

JUDGE

