



**In re SJ (A Child) (Adoption Cause E246 of 2024)
[2025] KEHC 3169 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3169 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E246 OF 2024
SN RIECHI, J
FEBRUARY 27, 2025
IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF SJ (A CHILD)

IN THE MATTER OF
JBAM APPLICANT**

JUDGMENT

1. The Applicant, JBAM is a single applicant. The Applicant was married in 2007 and has been separated from her husband since 2012. The applicant has not been blessed with any biological children of her own. The applicant now wishes to adopt SJ a male child who is 15 years old born on 18th June 2009 through the amended Originating summons dated 31st October 2024 .
2. The applicant is a Kenyan/Canadian Citizen aged 64 years old having been born on 11th July 1960 as evidenced by a copy of her national identification card number 829XXXX97 and Copy of her passport number AS2XXX46 both attached to the application.
3. From the pleadings, the court notes that the applicant is a General Surgeon and currently working at [particulars withheld] Hospital. She resides at Kyuna Crescent Kileleshwa within Nairobi County. She professes the Christian faith.
4. The evidence before the court indicates that the minor was born on 18th June 2009 to her biological mother CMY of identification card number 352XXX58 as evidenced by a copy of her birth certificate number 0261XXX09 attached to the application.
5. The child was abandoned within Deep Sea Slums in Parklands where he was found on 29.11.2010 at approximately 2300hrs. The matter was reported at Parklands Police Station where it was recorded vide OB Number 35/30/11/2010 as evidenced by a copy of police initial letter attached to the application.



6. The evidence on record indicates the child was referred to Hope House Babies Home via a police letter dated 30.11.2010 attached to the application. The court was informed that family tracing was conducted and his mother was traced.
7. Ms. Phyllis Kamau, a social worker from Hope Babies Home, stated the mother of the child did not take the child back because she was unable to take care of the child. The biological mother wrote a letter dated 16.08.2013 to Hope House Babies Home that they care for him. On 18th January 2017 the child biological mother wrote a letter consenting to the placement of the child in guardianship.
8. From the pleadings before court, on 16th August 2013 MS. Y wrote a letter requesting that the institution continue to care for the child. The child was placed in temporary foster care of the applicant on 18.04.2024 as evidenced by a copy of foster care agreement attached to the application.
9. From the evidence on record the court finds that on 2nd March 2013 the children's Court Nairobi granted legal guardianship of the child to applicant.
10. The evidence on record indicates that the child's biological mother died at Mama Lucy Kibaki Hospital of cardiopulmonary arrest as evidenced by a copy of her death certificate serial number 0261XXXX87 attached to the application.
11. Prior to the hearing of the adoption application, KKIP Adoption Society Little Angels Network Adoption Society prepared and filed a report dated 12th April 2024 recommending the adoption. They also issued a Certificate Serial No 921 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.
12. The guardian ad litem Mr. FMP filed a report dated 22nd January 2025 which was favourable and recommended the adoption of the child by the Applicant.
13. Me. Ezekiel Kimani, the Assistant Director Children's 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 30th January 2015. 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.
14. Ms. VWM consented to be appointed as legal guardian for the child and she filed a letter of consent attached to the application.
15. The applicant stated that she does not have previous criminal record and no pending criminal prosecution as evidenced by a copy police clearance certificate attached to the application.
16. The applicant stated she is physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of her Medical report attached to the application.
17. The applicant stated she is financially stable and she is therefore able to provide fully for the child's need as evidenced by copies of her financial documents attached to the application.
18. 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.
19. 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 15th October 2024 and Order as follows:

- i. The Applicant JBAM is hereby allowed to adopt SJ who shall henceforth be known as SHBM.
- ii. The child's date of birth shall be 18th June, 2009 and place of birth shall be HighRidge within Nairobi County.
- iii. VW 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.

DATED AT NAIROBI THIS 27TH DAY OF FEBRUARY, 2025.

S. N. RIECHI

JUDGE

