



**In re Adoption of Baby EM (Adoption Cause E007 of 2021)
[2025] KEHC 7128 (KLR) (30 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 7128 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
ADOPTION CAUSE E007 OF 2021
EM MURIITHI, J
MAY 30, 2025**

IN THE MATTER OF

SMM 1ST APPLICANT

LWK 2ND APPLICANT

JUDGMENT

1. This is an application by Originating Summons dated 11/9/2021 for the adoption of Baby EM a male child aged 8 years (DOB 18/3/2017).
2. The applicants Samuel Muriithi Marete (57) and Lucy Wanjiru Kibuchi (45) are spouses who are shown to be able to provide for the child and they understand the permanent nature of an adoption as well as its consequences that the child becomes their child with all the rights accruing to a child including inheritances of their property as their biological child. They have lived with the child for eight years from 2017 at the time of the hearing, having received him at one year old to date when he is 8 at Grade 3 at Spring Board Academy.
3. The subject, a male child born on 18th March 2017, was abandoned at Kiambu level 4 hospital and referred to Limuru Children Home and later placed with the applicants on 18/3/2018, and was declared free for adoption under the Adoption Society KKPI, Nairobi.
4. By Report dated 20/4/2024 Department of Children Services Kirinyaga County has no objection to the adoption.
5. The Report of the Guardian *ad Litem* Joseph Githinji Kaiga dated 28/2/2025 recommends the adoption as being in the best interest of the child.
6. The proposed Legal Guardians John Wanjohi, 36, and Jemimah Wanjiru Wamugunda, 31, relatives of the applicants as brother and sister-in-law to the 2nd applicant understand and accept the role and duties of a legal guardian in the event of disability or death of the applicants.



7. The statutory consents have been waived in view of the circumstances of the case.

8. The Court has seen the subject child and minuted as follows:

Court:

The Court examines the child and notes that the child is pleasant, happy, well groomed and is pleased with his association with the applicants whom he refers to as Mama Victor and Baba Victor. He can write the Alphabet upto “L” and he number supto 14 and he could write his name EM and he drew a car, and he communicates in both English and Kiswahili”.

9. The Court finds that it is in the best interests that the child gets a home with loving parents who have demonstrated willingness and ability to love, care and protect him as their own child over the period of his placement with them.

Orders.

10. Accordingly, for the reasons set out above, the Court makes the following orders:

1. Pursuant to section 187 (1) (a) and (2) (a) of the *Children Act*, the consent of the biological parents of BABY EM is dispensed with since the child was abandoned shortly after birth.
2. The Applicants Samuel Muriithi Marete and Lucy Wanjiru Kibuchi are authorized to adopt BABY EM, a minor.
3. The child shall be known as EMM and the Registrar General be directed to enter this adoption into the Register of Adoptions.
4. The court appoints John Wanjohi and Jemimah Wanjiru Wamugunda as the Legal Guardians of EMM, the child subject of these proceedings for purposes of section 195(1) of the *Children Act*.
5. The Court directs the Registrar General to make the appropriate entries in the Adopted Children Register in respect of BABY EM now known as EMM pursuant to section 201 (1) of the *Children Act*.
6. The Court orders that the child BABY EM now known as EMM shall be considered a Kenyan Citizen in terms of Article 14 (4) of the *Constitution* of Kenya.
7. The Guardian *ad Litem* is discharged in terms of section 188 (4) of the *Children Act*.

Orders accordingly.

DATED AND DELIVERED THIS 30TH DAY OF MAY 2025.

EDWARD M. MURIITHI

JUDGE

Appearances:

Applicants in person.

