



REPUBLIC OF KENYA



KENYA LAW
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**In re Baby AL (Adoption Cause E139 of 2023)
[2025] KEHC 8004 (KLR) (Family) (29 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 8004 (KLR)

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

ADOPTION CAUSE E139 OF 2023

SN RIECHI, J

MAY 29, 2025

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY AL

IN THE MATTER OF

MWW APPLICANT

JUDGMENT

1. The Applicant, MWW is a single applicant. She has not been blessed with a child of her own. The Applicant now wishes to adopt a female child known as AL aged 9 years old through the Amended Originating summons dated 20th January,2025.
2. The applicant is a female adult of sound mind who is 50 years old having been born on 23rd June 1974 as evidenced by a copy of her national identification card number XXXXXXXXX attached to the application.
3. From the pleadings, the court notes that the applicant is a self employed Businesswoman. The applicant resides in Kamulu Ruai. She professes the Christian faith.
4. The evidence before the court indicates that the minor was born on 18th December 2015.The child was found abandoned by her mother in the morning hours of the morning. The child was rescued by a good Samaritan who reported the matter to Kariobangi Police Station vide OB No 8/19/2025 as evidenced by the police initial letter dated 19th December, 2015 attached to the application.
5. From evidence on record, the child was placed under the care of Nest Children Home on 19th December 2015 through the Sub County children officer in Westlands.
6. On 8th February,2016 the child was committed to Nest Children Home as a child in need of care and protection by Nairobi Children’s Court on under care and protection case number 4 of 2015 as evidenced by a copy of committal order attached to the summons.



7. From the evidence on record, this court finds that the child was placed with applicant on 17th June 2016 through a foster care agreement as evidenced by a copy of fostering agreement attached to the application.
8. From evidence on Court record, a final police letter dated 22nd June 2016 was issued by Kariobangi 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 dated 22nd June 2016 attached to the summons.
9. Prior to the hearing of the adoption application, Little Angel Network prepared and filed a report dated 6th June 2016 . They also issued a Certificate Serial No XXXXXXXX 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 applicant stated that she is physically and emotionally fit to parent the child as evidenced by copies of her medical report attached to the application.
11. The applicant stated she is financially stable and therefore able to provide fully for the child's needs as evidence by copies of her financial documents attached to the application.
12. The applicant stated that she has no previous criminal record and no pending criminal prosecution as evidenced by her copy of police clearance certificate attached to the application.
13. The guardian *ad litem* Ms. MWK filed a report dated 15.3.2025 which was favourable and recommended the adoption of the child by the Applicant.
14. Ms. Mary Atati, Assistant Director Children Services from the office of the Director of 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 21st January 2025 recommending 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.
15. Ms. ANN consented to be appointed as legal guardian for the child and filed her consent attached to the application.
16. 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.
17. The child was present in court during hearing and she testified as follows;

“I am 9 years old. I am here with my mother MM and grandmother MW. My happy birthday is December 18th. I go to [Particulars Withheld] in Grade 4. My best friend is BI. She is 9 years old. I want my mother to buy me a birthday cake.”

The court notes that the child appears 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 20th January 2025 and Order as follows:
 - i. The Applicant MWW is hereby allowed to adopt AL who shall henceforth be known as HWW



- ii. She is presumed to be a Kenyan Citizen having been born in Kenya in accordance with Article 14(4) of the Constitution .
- iii. Ms.ANN 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 29TH DAY OF MAY 2025.

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S. N. RIECHI

JUDGE

