



**In re Baby B alias EOA (Adoption Cause E288 of 2024)  
[2025] KEHC 9797 (KLR) (Family) (26 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9797 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E288 OF 2024  
SN RIECHI, J  
JUNE 26, 2025**

**IN THE MATTER OF**

**GMK ..... 1<sup>ST</sup> APPLICANT  
SMI ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants, GMK and SMI are in a monogamous marriage. The applicants’ marriage was solemnized on 1<sup>st</sup> July 2021 at the Office of Registrar of Marriage as evidenced by a copy of their Marriage Certificate serial number 47XXXX attached to the application.
2. The male applicant GMK is a Kenyan citizen aged 58 years old having been born on 19<sup>th</sup> April,1967 as evidenced by a copy of his national identification card number 10XXXX attached to the summons. The female applicant SMI is a Kenyan citizen aged 55 Years old having been born on 8<sup>th</sup> July 1970 as evidenced by a copy of her national identification card number 10XXXX attached to the application.
3. The male applicant GMK is a Businessman dealing with farming and real estate. The female applicant SMI is self employed. The applicants reside at Kihara Village within Kiambu County. 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 Boy Alias EA aged 6 Year through an originating summons dated 11<sup>th</sup> December 2024.
5. The evidence before the court indicates that the minor was 15<sup>th</sup> May 2019 as evidenced by a copy his birth certificate entry number 02XXXX attached to the application. The child was thereafter found abandoned by a roadside on 23<sup>rd</sup> May 2019 by a Good Samaritan,Brenda Nafula of National Identification Card Number 40XXXX and phone number 07XXXX.



6. The evidence on record indicates the child was wrapped in some clothing and there was a discharge from Lanet Health Center attached to the child as evidenced by a copy of the Discharge from Lanet Health Center with the minor and parent details attached to the application.
7. The evidence on record indicates that the matter was reported to Rhonda Police Station and booked vide O.B. No.XXXX/2019 as evidenced by a copy of the initial police letter bearing the above OB Number attached to the application.
8. The applicants stated the child was admitted to Holy Family's Children Home on the same date pending investigation and the case was booked vide O.B.No.XXXX/2019 as evidences by a copy of admission form attached to the summons.
9. The sub-county Children's office in Nakuru West was involved and secured the admission of the child at Holy Family Children's Home where he was admitted on 23rd May 2019.
10. The applicants averred that thereafter the Children's Court at Nakuru upon the recommendation of the Sub-County Children Office Nakuru West formally committed the child to Holy Family Children's Home in Care & Protection Case No. XXX of 2019 on 12<sup>th</sup> June 2019 for a period of 3 years as evidenced by a copy of committal a the Order issued by the Children's Court at Nakuru attached to the application.
11. The applicant stated further, the Children's Court at Nakuru upon the recommendation of The Sub-County Children Office Nakuru West extended the child's committal to Holy Family Children's Home in Care & Protection Case No. XXX of 2019 on 21<sup>st</sup> September 2022 for a period of 3 years as evidenced by attached copy of the Children Office letter and the Order issued by the Children's Court at Nakuru on 21<sup>st</sup> September 2022.
12. From the evidence on record this court finds that in a letter dated 15<sup>th</sup> February 2023, Rhonda Police Station indicated that they had conducted investigations on the matter and that they had not been able to trace the child's parents and kin and neither had they received a claim for the child as evidenced by a copy of the final police letter attached to the application.
13. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
14. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
15. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
16. The child was place under foster care of the applicants for a period of 3 Years as evidenced by a copy of Foster Agreement attached to the summons.
17. Prior to the hearing of the adoption application, Little Angels Network prepared and filed a report dated 5<sup>th</sup> May 2023 recommending the adoption . They also issued a Certificate Serial No.00XXXX 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.
18. The guardian ad litem Ms.WGW filed a report dated 19<sup>th</sup> May 2025 which was favourable and recommended the adoption of the child by the Applicants.
19. Ms.Mary Atati,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 27<sup>th</sup> May 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 Applicants and that the Applicants have fulfilled the statutory requirements.

20. Mr. JMN and Ms.MWK consented to be appointed as legal guardians for the child and signed their letters of consent attached to the application.
21. This is a local adoption and from the record the Applicants have 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.
22. 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 Applicants. I therefore allow the prayers sought in the originating Summons dated 11<sup>th</sup> December 2024 and Order as follows:
  - i. The Applicants GMK and Susan Mati Ileri are hereby authorized to adopt Baby Boy EKM who shall henceforth be known as EKM.
  - ii. The child is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
  - iii. Mr. JMN and Ms.MWK 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 26<sup>TH</sup> DAY OF JUNE 2025.**

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**S. N. RIECHI.**

**JUDGE.**

