



**In re Baby GA (A Minor) (Adoption Cause E024 of 2023)  
[2024] KEHC 8158 (KLR) (28 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 8158 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E024 OF 2023**

**A MSHILA, J**

**JUNE 28, 2024**

**IN THE MATTER OF THE CHILDREN’S ACT  
AND  
IN THE MATTER OF AN APPLICATION FOR  
ADOPTION ORDER OF BABY GA(A MINOR)**

**IN THE MATTER OF**

**BMG ..... 1<sup>ST</sup> APPLICANT  
GWM ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the 22<sup>nd</sup> day of December, 2023 and is premised under the provisions of Sections 183, 184, 185, 186, 194, 200, 201 and all other enabling provisions of the *Children’s Act*. The Applicants seek the following Orders;
  - a. That TWW be appointed as Guardian Ad Litem of Baby GA;
2. That the Applicants BMG AND GWM be authorized to legally adopt Baby GA who will be known as WMG;
  - b. That Baby GA be presumed to be a Kenyan citizen;
  - c. FKM AND PMK be appointed as next of kin and legal guardians to Baby GA;
  - d. The Registrar General do make the appropriate entry of WMG in the Adopted Children’s Register.
3. The application was supported by a joint statement and Affidavit made by the Applicants; The Guardian Ad Litem TWW was appointed on the 17<sup>th</sup> January, 2024; This court directed the Children’s



- Services Officer and the Guardian Ad Litem to carry out a home visit and do investigations and to file their Reports.
4. After visiting and interrogating the Applicants the Thika Sub-County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt Baby GA; the reports were duly filed in court and are dated 20<sup>th</sup> April, 2024 and 10<sup>th</sup> February, 2024 respectively; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.
  5. The minor who is male was found abandoned on the 10<sup>th</sup> March, 2012 at (Particulars withheld) Shopping Centre and was rescued by a good Samaritan; the case of abandonment was reported to Tigoni Police Station vide OB No.04/xx/xx/2012 and later booked as OB No.14/xx/xx/2022; efforts to trace the biological parents by placing adverts in a local daily newspaper through the Child Welfare Society have borne no fruits and consequently the court was urged to dispense with their consent.
  6. The minor was on 5/12/2012 admitted to Angel Center for abandoned children, for temporary shelter, care and protection whilst awaiting committal; under the Limuru Protection and Care Case No. 24 of 2023 the Children's Court sitting at Limuru Baby GA was formally committed vide Order issued on 13/08/2014 for three (3) years and extended for a further three (3) years on 19/05/2021 to the aforesaid institution for protection and care. He was declared free for adoption and a Certificate Serial Number 00xxxx dated 19/07/2022 was issued by the Adoption Change Trust.
  7. After reading and taking into consideration the contents of these Reports and the court was satisfied that all the legal requirements had been adhered to notably; the Applicants are Kenyan citizens and they solemnized their marriage on 11<sup>th</sup> August, 2001 at Thika Christian Church as evidenced by the copy of the attached Certificate of Marriage Serial No.(Particulars withheld); at the time of filing this application the prospective adoptive parents BMG was aged 51 years whereas GWM was aged 50 years and therefore both their ages fall within the prescribed legal parameters; The Applicants have no biological children of their own but are in the process of adopting a second male child; Both prospective parents are engaged in private business and have produced into court copies of Title documents and Bank Statements to prove their financial capability to support Baby GA when they assume responsibility of his upbringing.
  8. The Certificates of Good Conduct are current and valid and this court is satisfied that there are no adverse circumstances discernible from the families of the Applicants or any individual characteristics or lifestyle that would be detrimental to the minor;
  9. Baby GA being a child aged over nine (9) years is required by law to add his voice to the adoption process and this he did by writing letter acceding to the adoption application by the Applicants; the minor appeared in court with the prospective parents and this court had an opportunity to interrogate him and took cognizance of his happy demeanour.
  10. The consents of the proposed Legal Guardians have been duly filed in court.
  11. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt Baby GA and is further satisfied that the order for adoption will be in the best interest of the minor.

### **Findings & Determination**

12. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
13. The Applicants are hereby authorized to adopt Baby GA; he shall be known as WMG.



14. That WMG be presumed to be a Kenyan citizen;
15. The Registrar General is hereby directed to enter this adoption order of WMG in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name WMG.
16. The Guardian Ad Litem is hereby discharged and FKM AND PMK be appointed as next of kin and legal guardian to Baby GA until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 28<sup>TH</sup> DAY OF JUNE, 2024.**

**A. MSHILA**

**JUDGE**

In the presence of;

Mourice – Court Assistant

Applicants present in person

