



**In re H (Child) (Adoption Cause E007 of 2023)
[2024] KEHC 8060 (KLR) (28 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 8060 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E007 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 H (A CHILD)

IN THE MATTER OF

MWO 1ST APPLICANT

RWN 2ND APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 20th day of February, 2023 and is premised under the provisions of sections 183, 184,185,186, 187, 188 and 189 of the [Children’s Act](#), 2022 and all other enabling provisions of Law. The Applicants seek the following Orders;
 - a. That JPOM be appointed as guardian *ad litem* of Baby H.
 - b. That the Applicants be authorized to legally adopt Baby H who will be known as JFWJ.
 - c. That Baby H be presumed to be a Kenyan citizen;
 - d. SWN be appointed as next of kin and legal guardian to BABY H;
 - e. The Registrar General do make the appropriate entry of JFWJ in the Adopted Children’s Register.

2. The application was supported by a statement and Affidavit made by the Applicant; The guardian *ad litem* JPOM was appointed on the June 16, 2023; This court directed the Director of Children’s Services and the guardian *ad litem* to carry out a home visit and do investigations and to file their Reports.



3. After visiting and interrogating the Applicants the Thika West Sub-County Children's Officer and the guardian ad litem filed their respective Reports on the Applicants' suitability to adopt baby H; the Children Officers Report dated 15/01/2024 was duly filed in court whereas the Guardian ad Litem Report is dated February 27, 2024; both reports were duly filed in court and are highly favourable to the Applicants and recommend their suitability as an adoptive parents.
4. The baby H who is female aged four (4) years was on August 20, 2015 found abandoned in Viwandani Area behind Premier Company and rescued by a Good Samaritan; the case of abandonment was reported to Jogoo Police Station *vide* OB No.26/20/8/2015; efforts to trace the relatives through the publication in the local media and social investigation yielded no fruits.
5. The baby H was admitted to Mama Ngina Kenyatta Childrens Home for temporary shelter, care and protection whilst awaiting committal; under the Protection and Care Case No. 65 of 2016 at the Children's Court sitting at Nairobi and baby H was formally committed vide Order issued on 30th March, 2016 to the aforesaid institution for protection and care until her fostering. On the 10th March, 2017 she was declared free for adoption by the Child Welfare Society of Kenya and a Certificate Serial Number xxx was issued.
6. After reading and taking into consideration the contents of these Reports and this court is satisfied that all the legal requirements have been adhered to notably; the prospective adoptive parents are both Kenyan citizens; at the time of filing this application MWO was aged 53 years and RWN was aged 46 years and therefore their age falls within the prescribed legal parameters; The Applicants were married at Nairobi Christian Centre Bahati KAG on 2/12/2006 as evidenced by Marriage Certificate No.xxx; they have no adoptive or biological children. The Applicants are both gainfully employed; MWO is employed as a Loans Officer with KAG Sacco whereas RWN is a pastor with the KAG Church; they produced into court copies of Bank Statements to prove their financial capability to support Baby H when they assume responsibility of her upbringing.
7. 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 baby;
8. It is noted that the consent of the proposed legal guardian SWN has been duly filed.
9. 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 H and this court is further satisfied that the order for adoption will be in the best interest of the baby.

Findings & Determination

10. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed as follows;
 - a. The applicants are hereby authorized to adopt baby H; she shall be known as JFWJ.
 - b. Baby JFWJ be presumed to be a Kenyan citizen;
 - c. The Registrar General is hereby directed to enter this adoption order of JFWJ in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name JFWJ.



- d. The Guardian Ad Litem is hereby discharged and SWN be and is hereby appointed as next of kin and legal guardian to BABY JFWJ until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 28TH DAY OF JUNE, 2024.

HON. A. MSHILA

JUDGE

Judgment read out in the absence of the parties.

In the presence of;

Mourice – Court Assistant

N/A by parties.

