



**In re NL alias A (Baby) (Adoption Cause E004 of 2024)
[2025] KEHC 124 (KLR) (15 January 2025) (Judgment)**

Neutral citation: [2025] KEHC 124 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E004 OF 2024
A MSHILA, J
JANUARY 15, 2025
IN THE MATTER OF THE CHILDREN’S ACT
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION
ORDER OF BABY NABILLA LEONA ALIAS ANGEL**

IN THE MATTER OF

**NPG 1ST APPLICANT
HNN 2ND APPLICANT**

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the February 20, 2024; and is premised under the provisions of Sections 2,3,7,8,11,12,17,31,183, 185, 186,187,188(4),193,194,195,200,201,210 and 211 of the Children’s Act 2022; Section 9 of the [Kenya Citizenship and Immigration Act](#) No.12 of 2011 and Article 53 of [the Constitution](#) of Kenya, 2010. The Applicants seek the following Orders;
 - a. That the Applicants NPG and HNN be allowed to adopt the child currently identified as Baby NL alias A.
 - b. That henceforth the child be renamed as LWG.
 - c. That the child’s date and place of birth be declared to be 30th April, 2021 at Nairobi County.
 - d. That JKN and GNM be appointed as Legal Guardians of the child, in the event that the Applicants herein are incapacitated or in any way unable to discharge their parental obligations.
 - e. That the Guardian ad Litem be discharged.



- f. The Registrar General do make the appropriate entries of LWG in the Adopted Children's Register.
- g. That the Court do issue such further orders as are in the interest of justice.
2. The application was supported by the joint statement and Affidavit made by the Applicants NPG and HNN.
 3. The Guardian Ad Litem JN was appointed on the 8th May, 2024. This court directed the Director of Children's Services and the Guardian Ad Litem to carry out home visits and do investigations and to file their respective Reports.
 4. After visiting and interrogating the Applicant, the Kiambu Sub-County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt Baby NL alias A. The reports were duly filed in court and are dated 28th June, 2024 and 27th June, 2024.
 5. Baby NL alias A is female and her presumed date of birth is 30th April, 2021. On 5/05/2021 she was found abandoned at the gate of one Jane Omondi at Lower Chokaa area Nairobi County and the case of abandonment was reported at Hurlingham East Police Station vide OB No.12/05/05/2021. Baby NL alias A was admitted on 5/05/2021 to Imani Childrens Home for temporary shelter, care and protection whilst awaiting committal; under the Protection And Care Case No.15 of 2015, the Children's Court sitting at Nairobi Baby NL alias A was formally committed vide Order issued on 7/01/2022 to the aforesaid institution for protection and care for a period of three (3) years. On the 14/12/2016 she was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number 0691 was issued by Buchner Kenya Adoption Services.
 6. After reading and taking into consideration the contents of these reports, this court notes that the Applicants are both Kenyan citizens; they solemnized their marriage at the ACK St. Paul's Church on 29/04/2006 as evidenced by the copy of the attached Certificate of Marriage Serial No.268219. At the time of filing this application the prospective adoptive parents NPG was aged whereas HNN was aged 53 years.
 7. On the issue of the age of the prospective adoptive parent the applicable law is found at Section 186 (2) (b) of the new Childrens' Act, 2022 and it reads as follows;
 - (2) The court shall not make an adoption order in any case unless -
 - (b) the applicant or both of the applicants in a joint application is more than twenty- one years older than the child.
 8. This then means that both their ages fall within the prescribed legal parameters.
 9. The Applicants have no biological children of their own but have one adopted child Rebekah Wakaria Githinji aged five (5) years.
 10. NPG is an Accountant by profession and currently employed by Micato Safaris and HNN is a Civil Engineer employed by Trademark East Africa. The Applicants have produced into court copies of their Bank Statements to prove their financial capability to support Baby NL alias A when they assume responsibility of her upbringing.
 11. 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 child.



12. It is noted that this was a case of abandonment and the police had made efforts to trace the family of Baby NL alias A and later issued a Final Police Letter dated 4/05/2023 indicating that their efforts to trace the mother and kindred had proved futile and fruitless and the child remained unclaimed; therefore, this court will dispense with the requirement of consent from the biological parent(s).
13. This court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders sought to be granted.

Findings & Determination

14. For the forgoing reasons this court finds that the application for adoption is in the best interest of the child and it is hereby allowed.
15. The Applicants be and are hereby authorized to adopt Baby NL alias A she shall be known as LWG.
16. The Registrar General be and is hereby directed to enter this adoption order of LWG in the Adopted Children's Register.
17. JKN and GNM be and are hereby appointed to stand in as legal guardians to LWG until the child attains the age of majority of eighteen (18) years. The Guardian ad Litem be and is hereby discharged.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 15th DAY OF JANUARY, 2025.

HON. A. MSHILA

JUDGE

In the presence of;

Sanja - Court Assistant

Kimenyi - For the Applicants

