



**In re Adoption BN alias MM (Minor) (Adoption Cause E125 of 2024)  
[2024] KEHC 10493 (KLR) (Family) (29 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 10493 (KLR)

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

**ADOPTION CAUSE E125 OF 2024**

**H NAMISI, J**

**AUGUST 29, 2024**

**N THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA  
AND**

**IN THE MATTER OF ADOPTION BN ALIAS MM (MINOR)**

**BETWEEN**

**EMN ..... APPLICANT**

**AND**

**JNN ..... APPLICANT**

**JUDGMENT**

1. The Applicants filed an Originating Summons dated 11 March 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
  - i. That the Applicants be authorised to adopt BN., a minor who is to be known as BANM, and the Registrar General be directed to enter this adoption into the Register of Adoptions;
  - ii. That JMN and RMM be appointed as the legal guardians of the minor;
  - iii. That the child be presumed to be born in Muranga County in the Republic of Kenya;
2. The matter was canvassed by way of *viva voce* evidence on the virtual platform.

**The Child**

3. The child (female) was born on 23 September 2007. The child was rescued from by members of the public after she was dumped by her mother. The matter was reported to the Muranga Police Station vide OB No. 32/24/9/07. The child was taken to Muranga Medical Hospital for medical care and



thereafter committed to the [particulars withheld] Children Home by the Children Court in Muranga in Case No. 18 of 2007.

4. The child was placed with the Applicants on 30 January 2010 and has been in their care and control ever since. She is a Form 3 student enrolled at [particulars withheld] School, [particulars withheld] . At the hearing, the child identified the Applicants as her parents and indicated that she would glad to be adopted by them.
5. The child was declared free for adoption by Change Trust Adoption Society vide certificate serial number 677.

### **The Applicants**

6. The Applicants are Kenyan citizens, aged 56 years and 55 years, respectively. They have been married since 2001 and reside in Kiambu county. During their marriage, the Applicants were blessed with 2 children.
7. The 1st Applicant is employed by the Library of Congress, US Embassy, while the 2nd Applicant is a business lady. The Applicants confirmed that they are financially capable of providing and caring for the child. They have lived with the child since 2010 and supported her in all her needs. They confirmed that they fully understand the implications of an adoption order and that the same is irreversible.
8. No copies of Bank Statements or payslips were presented before the Court, thus forcing the court to rely on the Reports by the Adoption Society and the Director of Children Services on the capability of the Applicants to meet the financial needs of the child. The Applicants presented copies of their Medical Reports and Certificates of Good Conduct as proof that they are financially, emotional and socially capable of handling parental responsibilities and raising the child in a loving, nurturing environment.
9. The Applicants proposed JMN and RMM to be the legal guardians of the child. The proposed legal guardians are a couple and had filed their consents dated 31 May 2024. JMM is a brother to the 2nd Applicant. They confirmed that they fully understand the implications of the order and had willingly consented to the appointment.
10. Efforts to trace the biological parents of the child proved futile. A letter dated 9 December 2009 from the Muranga Police Station indicates that by that time, no relatives had come forth to claim the child. I, therefore, dispense with the requirement for consent from the biological parents.

### **The Adoption Application**

11. I have considered the Summons, the evidence on record as well as the various reports filed in a bid to determine whether the Applicants are suitable adoptive parents.
12. Change Trust Adoption Society conducted an assessment of the Applicants and filed a report dated 28 May 2024.
13. On 13 Junel 2024, the Court issued an order appointing Hopkins Ochieng Okeyo as the child's *Guardian ad Litem*, and further directing the *Guardian ad Litem* and Director of Children's Services to investigate the suitability and fitness of the Applicant and subsequently file their respective reports.
14. The *Guardian ad Litem* filed his report dated 16 July 2024, recommending the adoption. The Directorate of Children's Services filed its report dated 15 July 2024, recommending the adoption of the child by the Applicants herein.



15. From the material availed and oral testimonies, I am satisfied that the Applicants are quite suited to be adoptive parents.
16. Accordingly, I allow the Originating Summons and make the following orders:
  - i. That the Applicants, EMN and JNN, are allowed to adopt the child currently identified as Baby BN alias MM;
  - ii. That henceforth, the child shall be known as BANM;
  - iii. The child is declared to be a Kenyan citizen by birth, entitled to all the rights and privileges under Constitution of Kenya and all applicable laws;
  - iv. JMN and RMM are appointed as legal Guardians of the child,
  - v. The *Guardian ad Litem* is hereby discharged;
  - vi. That the Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;

**DATED AND DELIVERED AT NAIROBI THIS 29 DAY OF AUGUST 2024**

**HELENE R. NAMISI**

**JUDGE**

Delivered on a virtual platform in the presence of

Ms. Kemunto .....for the Applicants

