



**In re baby JN (The Child) (Adoption Cause E198 of 2023)
[2024] KEHC 10249 (KLR) (Family) (13 August 2024) (Judgment)**

Neutral citation: [2024] KEHC 10249 (KLR)

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

FAMILY

ADOPTION CAUSE E198 OF 2023

BM MUSYOKI, J

AUGUST 13, 2024

IN THE MATTER OF BABY JN (THE CHILD)

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY SNP AND JWW

IN THE MATTER OF

SNP 1ST APPLICANT

JWW 2ND APPLICANT

JUDGMENT

1. The applicants are husband and wife having married on 29-12-2015. Before they married, the 2nd applicant had already been blessed with the child the subject matter of this cause. The child was born on 26-05-2012 to the 2nd applicant. The 2nd applicant says that she cannot trace and has never met the biological father of the child since the day of conception. She actually cannot remember his name or particulars. The 2nd applicant has given the child up for adoption under Section 186(2) of the Children Act. The applicants have now brought the originating summons dated 25th September 2023 praying for the following orders;

1. That the applicants be authorised to adopt the child; JWW who is a Kenyan citizen born on the 26th May 2012.
2. That upon adoption, the child ne known as JRN.
3. That AMS and CWK of Kenyan National Identity Cards Numbers 2xxxxxxx and 2xxxxxxx respectively be appointed as legal guardians of the child; JWW .



4. That the Registrar General be directed to enter this adoption into the register of Adoptions and a subsequent Birth Certificate be issued by the Registrar of Births and Deaths.
2. The applicants appeared and testified before me. The applicants' sole desire to this adoption is to have the 2nd applicant reflected as the father of the child as he has acted as so since the applicants married. The 2nd applicant told the court that the biological father of the child cannot be traced as she met him once on the day they conceived the child. The said father has never been in the life of the child. I also confirmed from the child that he has never met his biological father. The applicants confirmed that they were aware that the adoption order once granted cannot be reversed.
3. The couple married barely three years after the child was born. The only father the child knows is the 1st applicant. They have lived together for nine years and have bonded as father and son. The couple have another child who is by all means and purposes sister of the child herein. They have grown knowing that as the position and there are no intentions of changing that position and status.
4. This court heard evidence from one AMS. He told the court that he had been friends with the couple since 2014. He was the proposed legal guardian together with his wife CWK. The two told the court that they had accepted to be appointed as legal guardians of the child. They also said on oath that they understood that once the adoption order was issued, it was not reversible. They also understood that in the event the applicants were incapable or unavailable to provide for the child, they (the legal guardians) would take over the responsibilities and duties over of the child as their own. I have in addition to their testimony, seen a consent in form of an affidavit they swore to that effect on 25th September 2023.
5. This court appointed one WM of identity card number 3xxxxxxx as the Guardian Ad Litem of the child on 2-11-2023. He testified that he had interviewed the applicants and the child and, in his report, he indicated that the child was settled and comfortable with the applicants as his parents. He produced his report dated 30-11-2023 and recommended that the adoption orders be granted.
6. Harriet Kihara a Principal Children Officer in the department of children services appeared in court and produced a report dated 19-12-2023 done by Ezekiel Kimani an Assistant Director of children services and Mary Arati also an Assistant Director of children services. The report shows that the applicants were assessed and found to be suitable for adoption as proposed in this matter. The report states that all the legal requirements had been met and recommends that this court grants the adoption orders as prayed.
7. James Jumba Peru a social worker with Buckner Kenya Adoption Services testified that they had done investigations and social inquiry on suitability of the applicants to adopt the child and they had found that the applicants were qualified and suitable. The report indicated that the applicants had nurtured the child well. He added that the child had been declared free for adoption vide certificate number 0663 which is dated 14-07-2023. The report to that effect signed by Dickson Masindano and James Jumba is dated 13th December 2023.
8. I have read through the reports by Buckner Kenya Limited, the department of child services, the Guardian Ad Litem and the evidence of the parties and witnesses including the child. I am satisfied that the procedures and processes provided by the law for adoption have been complied with. This being a kinship adoption, the child still remains within the family set up which he has been used to and nothing other than documentation will change. I was told by the parties that the adoption order is needed for processing of birth certificate which would enable the child have proper documents for his academic examinations and other processes.



9. I have no doubt that the adoption order will serve the best interest of the child. I find that the originating summons herein is merited and the orders sought justified. I proceed to allow the same and specifically issue the following orders;

1. SNP and JWW are authorised to adopt Baby JWW .
2. The child shall henceforth be named as JRN.
3. The child is declared to be a Kenyan citizen by birth and entitled to all rights, privileges and benefits of a Kenyan Citizen by birth.
4. The child's date of birth is declared to be 26th May 2012.
5. AMSand CWK of identity cards numbers 2xxxxxxx and 2xxxxxxx respectively are hereby appointed as the Legal Guardians of the child.
6. The Guardian Ad Litem is discharged.
7. The Registrar General is directed to enter this adoption in the register of adoptions and issue the child with a birth certificate.

DATED SIGNED AND DELIVERED AT NAIROBI THIS 13TH DAY OF AUGUST 2024.

B.M. MUSYOKI

JUDGE OF THE HIGH COURT.

Judgment delivered in presence of Miss Mureithi for Miss Ann Githogori for the applicant

