



**In re JK (Baby) (Adoption Cause E174 of 2024)
[2024] KEHC 15250 (KLR) (Family) (25 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 15250 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E174 OF 2024**

SN RIECHI, J

NOVEMBER 25, 2024

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY JK

IN THE MATTER OF

FOO 1ST APPLICANT

JAD 2ND APPLICANT

JUDGMENT

1. The Applicants, FOO and JAD are in a monogamous marriage that was solemnized on 19th February 2020 at Registrar of Marriages office in Nairobi County Buruburu as evidenced by a copy of their marriage certificate serial number 036710 attached to the application.
2. The Applicant have not been blessed with a child of their own and wish to adopt a female child known as Baby JK through the Originating summons dated 22nd August 2024.
3. The 1st applicant is a male adult of sound mind who is 52 years old having been born on 11th September 1976 as evidenced by a copy of national identification card number 1466xxxx attached to the application. The 2nd applicant is a female adult aged 42 years old having been born on 20th April 1982 as evidenced by a copy her identification card number 2356xxxx attached to the application. The applicants therefore meet the age requirement under section 186(2) of the Children Act,2022 to adopt.
4. From the pleadings, this court notes that the 1st applicant is a Nurse employed by xxxxxxxx in Sweden and the 2nd applicant is self-employed dealing with Network marketing. The 1st applicant reside in Sweden-Stockholm and the 2nd applicant reside along Ngong road within Nairobi County. The applicants profess the Christian faith.
5. The evidence before the court indicate that the minor was presumably born on 9th May 2023. The applicants stated the minor was found abandoned on 12th May 2023 by unknown persons within the



old market within Nanyuki town. She was rescued by a good Samaritan one Paul Mutwiri of phone number 071511xxxx He rescued the child between 7.00pm to 8.00pm when he was about to close his business located at Nanyuki open air market.

6. The applicants stated the good samaritan alerted his fellow business people who contacted the Nanyuki police station. The officers responded and they rescued the minor and took her to Nanyuki Teaching and Referral Hospital for medical checkup and reported the matter at Nanyuki Police Station where it was booked under OB Number 02/xx/05/xxx as evidenced by a copy of Initial Police Letter dated 15th May 2024 attached to the application.
7. From the evidence on court record the child was handed over and admitted at Neema House Infant and Rescue Center for care and protection on the 13th May 2023 as evidenced by a copy admission form attached to the application.
8. On 13th May 2023, the sub county children's officer in Laikipia East requested the baby to be committed to Neema House Infant Rescue Center for Protection and Care. On the same date the Children's Court Nanyuki committed the child to the said Center under care and protection case number E011 of 2023 as evidenced by a copy of committal order attached to the application.
9. From evidence on Court record, final police letter was issued 15th May 2024 by Nanyuki Police Station and it confirmed that no one went to the station to claim the abandoned child and their efforts to trace the kindred of the child have been futile as shown by a copy of final letter attached to the summons.
10. Prior to the hearing of the adoption application, Buckner Kenya Adoption Society prepared and filed a report dated 14.10.2024. They also issued a Certificate declaring the child free for adoption as evidenced by the copies of a report and certificate declaring a child free for Adoption attached to the application.
11. The guardian ad litem Anne R. Kirugi prepared and filed a report dated 28th October 2024 which was favourable and recommended the adoption of the child by the Applicants.
12. Mr. Ezekiel Kimani the Assistant Director from the office of the Director of Children Services conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 9.10.2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicants and that the Applicants have fulfilled the statutory requirements.
13. JTO and MAD consented to be appointed as legal guardians for the child and they filed a consent attached to the application.
14. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
15. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
16. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
17. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child's biological parents whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicants.



18. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of the Constitution and Section 8 of the Children’s Act,2022. I do find that it is in the best interest of the child to be adopted by the Applicants. I therefore allow the prayers sought in the originating Summons dated 22nd August 2024 and Order as follows:

- i. The Applicants FOO and JAD are hereby allowed to adopt JK who shall henceforth be known as JAO.
- ii. Her date of birth shall be 9th May 2023 and she is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
- iii. JTO and MAD are hereby appointed the legal guardians of the child.
- iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
- v. The guardian ad litem is hereby discharged.

DELIVERED AT NAIROBI THIS ...25THDAY OF.....NOVEMBER ... 2024.

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S. N. RIECHI

JUDGE

