



**In re JA (Minor) (Adoption Cause E138 of 2021)
[2023] KEHC 1310 (KLR) (Family) (24 February 2023) (Judgment)**

Neutral citation: [2023] KEHC 1310 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E138 OF 2021
DKN MAGARE, J
FEBRUARY 24, 2023
IN THE MATTER OF THE CHILDREN'S ACT NO 29 OF 2022
IN THE MATTER OF ADOPTION BABY JA (MINOR)**

IN THE MATTER OF

PAO APPLICANT

JUDGMENT

1. Before the court is the originating summons dated August 31, 2021 by which the Applicants seeks orders for adoption of the baby herein. The Application was supported by the statement and affidavit dated August 31, 2021 sworn by the Applicant. The matter was canvassed by way of *viva voce* evidence on the virtual platform and I reserved judgment for today.
2. The applicant testified that she is a social scientist at KEMRI and has bonded with the child since 2020. She is 43 years old and has no biological children of her own. The Applicant has never married and intends to do so in future, if she finds a suitable partner.
3. I am also satisfied on the condition of her home as suitable for the baby. The child looked bubbly and comfortable in her arms.
4. Buckner Kenya Adoption Services had given certificate No XXXX dated November 13, 2020 declaring the child free for adoption. The child had been committed to New Life Home by the Nairobi children's court vide P & C No XX of 2020
5. The history of the minor is that she was abandoned in Kawangware and the incident reported by a good Samaritan at Muthangari police station. No one came forward to claim her after 6 months and upon enquiry and police were satisfied that no one was coming up. The child was then taken through an elaborate step to have her declared free for adoption.



6. The guardian ad litem, GWK, was appointed on and prepared her report dated 30/6/2022. She recommended the adoption. the report is favourable to the Applicant.
7. The directorate of children services also prepared a report dated 16/6/2022, which also recommended the application. The children secretary though the relevant officers assessed and found the Applicant suitable to adopt.
8. A report by adoption agency and the directorate of children services were filed in court. The reports are favourable and recommend the adoption.
9. I had the originating summon in open court on 26/1/2023. MNO and MO confirmed that they signed a consent to be legal guardians.
10. After carefully assessing the records herein, I am satisfied that the applicant has fulfilled all the legal requirements relating to the Child's adoption. Section 186 of the *Children Act, 2022* provides.
11. I have perused the financial reports and I am satisfied of her financial stability. I also examined her on her noted that the homes is suitable and fit for the minor. I am satisfied that the Applicant has bonded well with the minor.
12. Having listened to the evidence and perused the requirement for adoption, I find that the originating summons dated August 29, 2022 is hereby allowed as follows: -
 - a. That the applicant, PAO be authorized to adopt Baby JA, an abandoned child who is to be known as JAO.
 - b. The child's date of birth be declared to be August 28, 2019 and her place of birth be declared as the Nairobi.
 - c. The consent of the biological parents of the child be and is hereby dispensed with since the child was abandoned.
 - d. CMO and Micheael OK be appointed as the legal guardians
 - e. Guardian ad litem is hereby discharged.
 - f. That the child be presumed to be a Kenyan citizen
 - g. The Registrar General is hereby directed to enter this adoption in the register of Adoption and issue a birth certificate for the minor.
 - h. The file is sealed and closed.

**DATED, SIGNED AND DELIVERED AT MOMBASA ON THIS 24TH DAY OF FEBRUARY, 2023.
JUDGMENT DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

HON. MR. JUSTICE DENNIS KIZITO MAGARE

JUDGE OF THE HIGH COURT, MOMBASA

In the presence of:

Miss Kimenyi for the Applicant

Beatrice Wangeci - Court Assistant.

