



**In re Baby B aka LWM (Child) (Adoption Cause E013 of 2023)
[2023] KEHC 21757 (KLR) (Family) (28 July 2023) (Judgment)**

Neutral citation: [2023] KEHC 21757 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E013 OF 2023
PM NYAUNDI, J
JULY 28, 2023**

IN THE MATTER OF

**PMM 1ST APPLICANT
DKM 2ND APPLICANT**

JUDGMENT

1. The Applicants, PMM and DKM, are Kenyan citizens. They are a married couple under *Marriage Act*, 2014. Their Originating Summons dated January 17, 2023 as well as their statement in support of an application for an adoption filed January 17, 2023 respectively and canvassed by viva voce evidence on the online platform in Court seeking the following orders;
 - a. That VF be appointed Guardian Ad litem
 - b. That the Director of Children Services be ordered to investigate the fitness of the Applicants to adopt and file a Report.
 - c. That to adopt BB (hereinafter referred to as minor).
 - d. That BB to be known as LMM.
 - e. That the Registrar General be directed to enter the adoption in the Adopted Children Register.
 - f. That the 2nd applicant's Sister Veronica Fondo and Alfred Fondo brother in law to 2nd Applicant's be appointed as the Legal Guardians of the child.
 - g. That the consent of the infant's natural parents be dispensed with.
2. The child in question was found abandoned on June 17, 2019 at Nyambene Level IV Hospital, having been left along the fence of the hospital by the biological mother after being discharged. The baby was



rescued by a good Samaritan who reported the matter to the Maua Police Station Vide OB Number 92/17/6/2019.

3. The child was temporary placed by Igembe South Sub-County District Children's Office at New Start Centre Ripples International. Subsequently the child was eventually formally committed by the Children's Court in Maua to the New Start Centre Ripples International in C&P 40 of 2019 for care and protection. The police were unable to trace his biological parents.
4. The child was freed for adoption by the Case Committee of Change Trust Adoption Society by their certificate dated May 21, 2021 and their Serial Number 00386 respectively. Section 65 of the *Children's Act*, 2022. The child was placed with the applicants for the bonding period of three (3) months on January 10, 2020.
5. To facilitate this adoption, the Applicants have been assessed by the Change Trust Adoption Society, the Director of Children Services and the guardian ad litem, Veronica Fondo and Alfred Fondo. The four have compiled and filed their comprehensive reports in Court. That of the Director of Children Services is dated January 10, 2020, while that of the guardian ad litem is dated January 17, 2023. The report by the Change Trust Adoption Society dated on May 21, 2021.
6. All these reports are favourable and recommend the proposed adoption. The applicants have demonstrated that they have the financial and emotional capability and capacity to take care of the child. The child herself appears to have bonded well with them and she considers them to be her parents.
7. In the opinion of this court it would be in the best interests of the child that she be adopted by the applicants. The applicants will be able to provide a home and a family for the child to grow up in and thereafter be a useful member of the family.
8. Consequently, the applicants shall assume all parental rights and duties of the biological parents in respect of the adopted child; they shall treat the adopted child as if she was born to them. The applicants have been made aware that once the adoption order is made it shall be final and binding during the lifetime of the child and that the child shall have the right to inherit their property.
9. The Applicants cannot give up the child owing to any subsequent unforeseen behaviour or other changes in the child.
10. It is also confirmed that the Applicants have a clean bill of health and that they have no criminal record as evidenced by copies of their certificates of good conduct dated October 12, 2016 Referenced as 166672/2016 and Ref No. PCC-AAABSHX4 as well as their medical reports attached and dated September 5, 2017.
11. The Report further stated that the Applicants have fulfilled all the pre-requisites for a local adoption under section 185 the *Children's Act*, 2022 and subsequent Children Regulations, 2005. They recommended the adoption without reservation as it will be in the best interests of the Child.

Determination

12. The court is satisfied that all the legal requirements for a local adoption have been met, and therefore make the following orders:-
 - a. That the applicants, PMM and DKM are hereby allowed to adopt the child BB,
 - b. That the BB shall hereafter be known LMM.
 - c. That the said child is hereby declared to be Kenyan Citizen by birth.



- d. That VF and AF are hereby appointed legal guardians of the child in the event something untoward happens to the Applicants.
- e. That the Registrar-General is hereby directed to enter this adoption order in the adoption register.
- f. That the guardian ad litem is hereby discharged.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 28TH DAY OF JULY, 2023.

P NYAUNDI

JUDGE

