



**In re Baby GU (A Child) (Adoption Cause E012 of 2023)  
[2023] KEHC 21915 (KLR) (18 August 2023) (Judgment)**

Neutral citation: [2023] KEHC 21915 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E012 OF 2023  
A MSHILA, J  
AUGUST 18, 2023**

**IN THE MATTER OF**

**FWK ..... APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the February 16, 2023 and is premised under the provisions of Sections 154, 156, 157, 158, 159, 163 and 170 and all other enabling provisions of the *Children's Act*. The Applicants seek the following Orders;
  - a. That CM be appointed as Guardian Ad Litem of Baby GU;
  - b. That the Applicants PKM and FWK be authorized to legally adopt Baby GU who will be known as JMK;
  - c. That Baby GU be presumed to be a Kenyan citizen;
  - d. That INK and JW be appointed as next of kin and legal guardians to Baby GU;
  - e. The Registrar General do make the appropriate entry of JMK in the Adopted Children's Register.
2. The application was supported by a Statement and Affidavit made by the Applicants; The Guardian Ad Litem CM was appointed on the April 26, 2023; This court directed the Director of Children's Services and the Guardian Ad Litem to carry out a home visit and do investigations and to file their Reports.
3. After visiting and interrogating the Applicants the Kiambu County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt Baby GU; the reports were duly filed in court and are dated June 12, 2023 and May 24, 2023 respectively; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.



4. The Baby GU who is male was born on April 1, 2021 and was found abandoned within the Thika Level Five Hospital on that day; the case of abandonment was reported to Thika Police Station vide OB No XXXX/2021; efforts to trace the biological mother have borne no fruit and consequently the court was urged to dispense with her consent.
5. The Baby GU was admitted to Macheo Childrens' Home, for temporary shelter, care and protection whilst awaiting committal; under the Protection and Care Case No E23 of 2021 the Children's Court sitting at Thika BABY GU was formally committed vide Order issued on April 30, 2021 to the aforesaid institution for protection and care. On the November 24, 2021 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number 815 was issued by the Kenya Childrens Home Adoption Society.
6. After reading and taking into consideration the contents of these Reports the court is satisfied that all the legal requirements have been adhered to notably; the Applicants are Kenyan citizens and they solemnized their marriage on June 9, 2021 as evidenced by the copy of the attached Certificate of Marriage Serial No XXXX; at the time of filing this application the prospective adoptive parents PKM was aged 35 years and FWK was aged 32 years and therefore their ages fall within the prescribed legal parameters; The Applicants have no biological children of their own; P an insurance agent and also engaged in business. F is also a business woman and is engaged in running of a shop. They tendered into court copies of Title documents and Bank Statements to prove their financial capability to support Baby GU when they assume responsibility of his upbringing.
7. The Certificates of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the family of the Applicants or any individual characteristics or lifestyle that would be detrimental to Baby GU;
8. It is noted that the consents of the proposed Legal Guardian have been duly filed.
9. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt BABY GU and it is further satisfied that the order for adoption will be in the best interest of the baby.

### **Findings & Determination**

10. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
11. The Applicants are hereby authorized to adopt Baby GU; he shall be known as JMK.
12. That JMK be presumed to be a Kenyan citizen;
13. The Registrar General is hereby directed to enter this adoption order of JMK in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name JMK.
14. The Guardian Ad Litem CM is hereby discharged and INK and JW be appointed as next of kin and legal guardians to BABY JMK until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 18<sup>TH</sup> DAY OF AUGUST, 2023.**

**HON.A. MSHILA**



**JUDGE**

**In the presence of;**

Mourice – Court Assistant

Patrick – the Applicant present in person

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