



REPUBLIC OF KENYA



**In re Baby JJ (A Child) (Adoption Cause E039 of 2023)  
[2023] KEHC 21914 (KLR) (18 August 2023) (Judgment)**

Neutral citation: [2023] KEHC 21914 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E039 OF 2023  
A MSHILA, J  
AUGUST 18, 2023  
IN THE MATTER OF THE CHILDREN'S ACT  
AND  
IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER OF BABY JJ (A CHILD)**

**IN THE MATTER OF  
JWC ..... APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the December 22, 2022 and is premised under the provisions of Sections 154, 156(1), 157(1), 159(4), 160(1), 163, 164 and 170 and all other enabling provisions of the *Children's Act*. The applicant seeks the following Orders;
  - a. That VWK be appointed as guardian ad litem of baby JJ;
2. That the Applicant JWC be authorized to legally adopt baby JJ who will be known as MTTC;
  - a. That baby JJ be presumed to be a Kenyan citizen;
  - b. DNK and MWK be appointed as next of kin and legal guardians to baby JJ;
  - c. The Registrar General do make the appropriate entry of MTTC in the Adopted Children's Register.
3. The application was supported by a Statement and Affidavit made by the Applicant; The Guardian Ad Litem VWK was appointed on the March 16, 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.
4. After visiting and interrogating the Applicant the Nairobi County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants' suitability to adopt baby JJ; the reports were



- duly filed in court and are dated April 6, 2023 and April 21, 2023 respectively; both reports are highly favourable to the Applicant and recommend her suitability as an adoptive parent.
5. The baby JJ who is male is estimated to have been born on January 11, 2016 and abandoned within the Mlolongo Township on the January 24, 2016; the case of abandonment was reported to Mlolongo Police Station vide OB No 63/24/01/2016; efforts to trace the biological mother have borne no fruit and consequently the court was urged to dispense with her consent.
  6. The baby JJ was admitted to Mahali Pa Maisha Home, for temporary shelter, care and protection whilst awaiting committal; under the Protection and Care Case No 6 of 2016 the Children's Court sitting at Mavoko the baby JJ was formally committed vide Order issued on May 4, 2016 to the aforesaid institution for protection and care until his fostering. On the August 26, 2016 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number 00XXXX84 was issued by the Little Angels Network.
  7. After reading and taking into consideration the contents of these Reports and the court was satisfied that all the legal requirements had been adhered to notably; the Applicant is a Kenyan citizen and initiated the adoption whilst married and though the applicant is now divorced she opted to continue with the adoption process; a copy of the Decree Nisi made Absolute on February 14, 2022 was annexed to the application; at the time of filing this application the prospective adoptive parent JWC was aged 50 years therefore her age falls within the prescribed legal parameters; The Applicant has no biological children of her own but has one adopted female child named KMW aged 9 years; The applicant is a businesswoman and runs her own company and has tendered into court copies of Bank Statements to prove her financial capability to support baby JJ when she assumes responsibility of his upbringing.
  8. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the family of the applicant or any individual characteristics or lifestyle that would be detrimental to the baby JJ;
  9. It is noted that the consent of the proposed Legal Guardians have been duly filed.
  10. For the reasons stated above this court is satisfied that the Applicant has fulfilled all the pre-requisites for adoption orders and is found to be a suitable person to adopt Baby JJ and this court is satisfied that the order for adoption will be in the best interest of the baby.

### **Findings & Determination**

11. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
12. The Applicant is hereby authorized to adopt baby JJ; he shall be known as MTTC.
13. That baby MTTC be presumed to be a Kenyan citizen;
14. The Registrar General is hereby directed to enter this adoption order of MTTC in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name MTTC.
  - d. The Guardian Ad Litem VWK is hereby discharged and DNK AND MWK be appointed as next of kin and legal guardians to baby MTTC 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

Kalinga – for Applicant

