



REPUBLIC OF KENYA



KENYA LAW
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**In re V alias VG (Child) (Adoption Cause E020 of 2022)
[2023] KEHC 21547 (KLR) (18 August 2023) (Judgment)**

Neutral citation: [2023] KEHC 21547 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E020 OF 2022
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 V ALIAS VG (A CHILD)**

IN THE MATTER OF

STL APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the June 18, 2022 and is premised under the provisions of Article 14(4) of the *Constitution of Kenya 2010*, Sections 158, 159 and 160 and all other enabling provisions of the Children's Act, Section 24 of the Interpretations and General Provisions Act, Cap 2 of Laws of Kenya and Section 3A of the *Civil Procedure Act* Cap 21 Laws of Kenya. The Applicant seeks the following Orders;
 - a. That J M M be appointed as Guardian Ad Litem Of Baby V Alias V G
2. That the applicant S T L be authorized to legally adopt Baby V Alias V G who will be known as V L L;
 - a. That Baby V L L be presumed to be a Kenyan citizen;
 - b. B M And J N L be appointed as next of kin and legal guardians to Baby V L L;
 - c. The Registrar General do make the appropriate entry of V L L in the Adopted Children's Register.
3. The application was supported by a statement and Affidavit made by the Applicant; The Guardian Ad Litem J M M was appointed on the March 23, 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 Applicants the Nairobi County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt baby V Alias V G; the Children Officers Report is dated March 10, 2023 was duly filed in court on March 20, 2023 whereas the Guardian ad Litem's Report is undated and was also filed in court on March 20, 2023; both reports are highly favourable to the Applicant and recommend her suitability as an adoptive parent.
5. The baby V Alias V G who is male was born on February 21, 2020 and found abandoned within the {Particulars Withheld} Village and rescued by a Good Samaritan; the case of abandonment was reported to Kiambu Police Station vide OB No xxxx/2020; efforts to trace the biological mother have borne no fruit and consequently the court was urged to dispense with her consent.
6. The baby V alias V G was admitted to Limuru Childrens' Centre for temporary shelter, care and protection whilst awaiting committal; under the Protection and Care Case No 3 of 2021 the Children's Court sitting at Kiambu baby V Alias VG was formally committed vide Order issued on January 26, 2021 to the aforesaid institution for protection and care until his fostering. On the 3/032/2021 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number xxxx was issued by the Little Angels Network.
7. After reading and taking into consideration the contents of these Reports and this court is satisfied that all the legal requirements have been adhered to notably; the Applicant is Kenyan citizen and is now widowed her spouse having passed on in 2020 after a road accident. At the time of filing this application the prospective adoptive parent STL was aged 45 years and therefore her age falls within the prescribed legal parameters; The Applicant has one adopted child named RNL aged 8 years. The Applicant is in gainful employment at United Nations Environmental Program (UNEP) as a scientist and has produced into court copies of and Bank Statements to prove her financial capability to support Baby V Alias VG 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 families of the Applicant or any individual characteristics or lifestyle that would be detrimental to the baby;
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 V alias V G and it 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 V Alias V G; he shall be known as V L L.
13. That Baby V L L be presumed to be a Kenyan citizen;
14. The Registrar General is hereby directed to enter this adoption order of Victor Lemaiyan Lekoyiet in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name Victor Lemaiyan Lekoyiet.
 - d. The Guardian Ad Litem J M M is hereby discharged and B M and J N L be appointed as next of kin and legal guardians to Baby V L L until the minor attains the age of majority of eighteen (18) years.



Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 18TH DAY OF AUGUST, 2023.

HON.A. MSHILA

JUDGE

In the presence of;

Mourice – Court Assistant

Kamenju – for Applicant

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