



**In re Baby DP (A Child) (Adoption Cause E015 of 2023)
[2023] KEHC 22966 (KLR) (29 September 2023) (Judgment)**

Neutral citation: [2023] KEHC 22966 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E015 OF 2023
A MSHILA, J
SEPTEMBER 29, 2023
IN THE MATTER OF THE CHILDREN'S ACT
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER OF
BABY D.P. (A CHILD)**

IN THE MATTER OF

HMM 1ST APPLICANT

AMM 2ND APPLICANT

JUDGMENT

1. The application is brought by way of an originating summons and is dated the May 8, 2023 and is premised under the provisions of sections 183, 184(1), 185, 186(1), 187(1)(a), (5),(6),(8) 188(1),(2), (3),(4) 189, 194, 195(1) and 201 of the [Children's Act 2022](#) and section 24 of the [Interpretations and General Provisions Act](#) and all other enabling provisions of the law. The applicants seek the following orders;
 - a. That SMN be appointed as guardian ad litem of Baby DP;
 - b. That the applicants HMM and AMM be authorized to legally adopt Baby DP who will be known as MM;
 - c. That Baby DP be presumed to be a Kenyan citizen by birth;
 - d. JBMK and MWM be appointed as next of kin and legal guardians to Baby DP;
 - e. The Registrar General do make the appropriate entry of MM in the Adopted Children's Register.



2. The application was supported by a joint statement and affidavit made by the applicants; the guardian ad litem SMN was appointed on the June 8, 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 Thika West Sub-County Children's Office and the guardian *ad litem* filed their respective reports on the applicants suitability to adopt baby DP the reports were duly filed in court and are dated September 15, 2023 and July 21, 2023; both reports are highly favourable to the applicants and recommend their suitability as adoptive parents.
4. The baby DP who is male estimated to have been born on August 8, 2019 was found abandoned at Deliverance Church, Riruta compound in one of classrooms; the case of abandonment was reported on August 10, 2019 at Muthangari Police Station *vide* OB No 60/10/08/2019 and the baby DP was admitted to House of Charity Children's Home, for temporary shelter, care and protection whilst awaiting committal; under the Protection And Care Case No 287 of 2020 the Children's Court sitting at Milimani baby DP was formally committed *vide* order issued on November 13, 2020 to the aforesaid institution for protection and care until his fostering; On the August 4, 2021 he was declared free for adoption under section 194 of the Children's Act 2022 and a certificate serial number 002190 was issued by the Little Angels Network.
5. After reading and taking into consideration the contents of these reports this court was satisfied that all the legal requirements had been adhered to notably; the applicants are Kenyan citizens and they solemnized their marriage in church on February 2, 2018 in as evidenced by the copy of the attached certificate of marriage serial No 3xxxx8; at the time of filing this application the prospective adoptive parents HMM was aged 50 years and AMM was aged 46 years and therefore both their ages fall within the prescribed legal parameters; The applicants have no biological children of their own; HMM is employed as a teacher by Teachers Service Commission driver whereas AMM is self-employed and runs a Cereals and General commodities store; the applicants have produced into court copies of title documents and bank statements to prove their financial capability to support Baby DP when they assume responsibility of his upbringing.
6. The certificates of good conduct are current and valid and this court is satisfied that there are no adverse circumstances discernible from the families of the applicants or any individual characteristics or lifestyle that would be detrimental to the baby;
7. It is noted that this is was a case of abandonment therefore the consent of the biological parents shall be dispensed with and the court takes note that the consents of the proposed legal guardians have been duly filed.
8. 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 DP and the court is further satisfied that the order for adoption will be in the best interest of the child.

Findings & Determination

9. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
10. The applicants are hereby authorized to adopt baby DP; he shall be known as MM
11. That Baby MM be presumed to be a Kenyan citizen;



12. The Registrar General is hereby directed to enter this adoption order of MM in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a certificate of birth in the name MM.

13. The guardian ad litem SMN is hereby discharged and JB MK and MWM be appointed as next of kin and legal guardians to Baby MM until the minor attains the age of majority of eighteen (18) years.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 29TH DAY OF SEPTEMBER, 2023.

HON. A. MSHILA

JUDGE

In the presence of;

Mourice – Court Assistant

Kamenju– for Applicants

