



REPUBLIC OF KENYA



KENYA LAW
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**In re Baby DP (Adoption Cause E014 of 2021)
[2022] KEHC 251 (KLR) (31 March 2022) (Judgment)**

Neutral citation: [2022] KEHC 251 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MACHAKOS
ADOPTION CAUSE E014 OF 2021**

MW MUIGAI, J

MARCH 31, 2022

IN THE MATTER OF

DVK 1ST APPLICANT

EN 2ND APPLICANT

JUDGMENT

1. Through an Application by Originating Summons filed on the 23/8/2021, the Applicants DVK and EN sought to adopt Baby DP, the child in this matter, and to be named JWK.
2. The Applicants solemnized their marriage on 12/12/1998 at [Particulars Withheld] Church, Machakos County and they attached their marriage certificate.
3. The Applicants are practicing Christians at [Particulars Withheld] at Sultan Hamud and 1st Applicant serves as [Particulars Withheld] at Redeemed Gospel Church at [Particulars Withheld] Town. The 2nd Applicant is a business woman and farmer in Malili.
4. The Applicants' marriage has not been blessed with a biological child, they are physically and emotionally fit as medical reports; dated 22nd July 2013 from Machakos Level 5 Hospital and one of 20/7/2013 from Nkama Medical Services Sultan Hamud of 22/7/2013 confirms. The applicants have clean criminal records as per Conduct Clearance Certificates annexed to their application.
5. The Applicants' proposed adoption of the child was recommended by Ms BW, Ms SK & Ms M through letters attached dated 8/7/2013, 17/7/2013 & 20/7/2013. The applicants wrote to Kenya Children Home on 22/7/2013 seeking to adopt a child.
6. The child in this matter Baby DP was born in Kenya on 20th July 2011 at Ongata Rongai, Kajiado County to his mother Joan Makungu as shown in Certificate of Birth xxxxxx and Baptismal Card. The Child's mother gave up the child for adoption on grounds explained by letter of 23/8/2011, the child was born out of an incestuous relationship with her brother. The matter was reported to Ongata Rongai Police Station on 25/8/2011.



7. The child was handed over to Fatima Health Centre as per admission letter of by Social Worker, Lilian Ayodi and Ongata Rongai Police Station Letter of 31/7/2014. On 29/8/2014, the child was transferred to Thomas Barnados Home vide letter of 21/8/2014, the child was examined and was found to be in good health and stable condition.
8. The Sub County Children Officer Langata referred the matter to the Children Court Nairobi for formal placement. The Committal Order was granted by Hon. F. K. Munyi Acting Principal Magistrate Nairobi Children Court Protection & Care Case xxx of 2014.
9. Kenya Children Homes Adoption agency by their Report filed on 23/8/2021 confirmed the whereabouts of the child as outlined above, the child was declared free for adoption by Change Trust Adoption Society at their Case Committee meeting of 18/8/2015 and the Certificate to Declare the Child Free for Adoption Serial No xxxxx was issued pursuant to Section 156(1) of *Children Act*.
10. The Guardian ad Litem, EMM who was appointed on 12/10/2021 prepared and presented the report on the suitability of the Applicants as potential adoptive parents and the welfare of the child while being fostered by the Applicants. The child was released to the Applicants in 2016 and the child is now aged 10 years During her visits to the Applicants' home she has noticed that the child has changed and is currently is well taken care of. The child has also adapted and bonded well with his foster parents. He attends [Particulars Withheld] Primary School Grade 4x. The Guardian ad Litem fully recommended the Adoption.
11. The Director of Children Services filed Report and detailed the family, and professional background of the Applicants and investigative history of the child subject of these proceedings. The Children Office confirmed the Applicants proposed adoption of the child has the support of extended family and religious Community. The Applicants are medically and socially stable and able to take care of the child. The Applicants were assessed and found to be financially stable from their incomes and well capable of raising another child. The Applicants are well aware that an order of adoption grants the child inheritance rights to their property and they have no objection to it.

Disposition

1. This court finds that the adoption in question is in the best interest of the child as she will grow up within a family of her own instead of an institution. The Applicants have fulfilled all the legal requirements necessary for a local adoption and have been proven to be suitable potential adoptive parents.
2. The Applicants, DVK and EN are hereby authorized to adopt the child Baby DP.
3. The child shall therefore be known as JWK.
4. The child's date of birth is 20/7/2011 and the place of birth shall be Kajiado County The child is a Kenya Citizen by birth and entitled to all rights of a Kenyan citizen.
5. The Consents of the Parents are hereby dispensed with from the explained circumstances.
6. The Legal Guardians of the Child shall be JKK and EJK in case of any eventuality that will hinder the Applicants from providing parental care to the child until he is of age and self-reliant.
7. The Registrar General is hereby directed to enter this order in the Adoption Register.
8. The Guardian ad Litem is hereby discharged



9. It is so ordered.

DELIVERED SIGNED & DATED IN OPEN COURT ON 31ST MARCH 2022 (VIRTUAL CONFERENCE)

M. W. MUIGAI

JUDGE

