



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re JB(Baby) (Adoption Cause 108 of 2018)  
[2022] KEHC 13977 (KLR) (Family) (29 July 2022) (Judgment)**

Neutral citation: [2022] KEHC 13977 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE 108 OF 2018  
M THANDE, J  
JULY 29, 2022  
IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)  
AND  
IN THE MATTER OF BABY JB  
AND  
AN APPLICATION FOR ORDERS OF ADOPTION OF BABY JB  
BY  
JMO AND HIS WIFE JBG**

**JUDGMENT**

1. By the originating summons dated August 2, 2018 the applicants JMO and his wife JBG seek to adopt a child known as baby JB.
2. The reports on record indicate that the child is presumed to have been born on 5.5.14. The child and his younger brother were on 14.11.16 found loitering in [particulars withheld] market in Meru having been abandoned by their mother NM. Both children were rescued by the area Assistant Chief George Maitima. The matter was reported at Meru Police Station *vide* Occurrence Book Entry Number 29/14//11/2016 at Meru Police Station. For care and protection pending committal. On 28.11.16, the Children's Court at Meru *vide* Protection and Care Case No 25/2016 formally committed the child to the same home for a period of 3 years. In compliance with section 156 of the [Children Act](#), Kenyans to Kenyans Peace Initiative Adoption Society declared the child free for adoption on 31.5.17 *vide* certificate serial number xxxx.
3. By an order of this court of 18.10.18 FOO was appointed as guardian *ad litem* for the child pending the hearing and determination of the adoption application, in accordance with section 160 of the [Children Act](#).



4. To facilitate this adoption, the applicants were assessed by Kenyans to Kenyans Peace Initiative Adoption Society and taken through the adoption process and its implications. The society filed its report recommending the adoption of the child by the applicants. Also filed was the report of the Director of Children Services dated 12.2.19 prepared by Mary Atati Chief Children's Officer and countersigned by Nyabuto Matundura, Principal Children's Officer. On his part, FOO the guardian *ad litem* filed his report dated 12.6.19. All these reports are favourable and recommend the proposed adoption.
5. The child has been in continuous care and control of the applicants for a period of over 5 years which is more than the statutory 3 months required under section 157 of the Act. The applicants are not younger than 25 years nor older than 65 years. They are more than 21 years older than the child. Section 158 of the Act has thus been complied with. The applicants have been made aware of the consequences of an adoption order as well as the rights of an adopted child and shall assume all parental rights and duties over the child. I am satisfied that they fully understand that the adoption order is final and binding during the lifetime of the child and that they cannot under any circumstances give up the child. They further understand that the child shall have the right to inherit their property. The applicants have demonstrated that they have the psychological and emotional capacity as well as the material resources to raise the child in a loving home environment. The applicants propose to name the child PAM.
6. The applicants have nominated ENO and LKN to be the legal guardians of the child, in the event of the applicant dying or becoming incapacitated before the child is of full age. Their consent dated 25.1.17 is on record.
7. Having taken into account the foregoing factors, this court has formed the opinion that it would be in the best interests of the child that he be adopted by the applicants. The court is further satisfied that all the legal requirements for a local adoption have been met and makes the following orders as prayed in the originating summons herein:
  - a. The applicants JMO holder of national identity card number xxxx and his wife JBG holder of national identity card number xxxx are hereby allowed to adopt Baby JB who shall henceforth be known as PAM.
  - b. The child's date of birth is hereby declared to be 5.5.14.
  - c. The child is hereby declared to be a Kenyan citizen by birth.
  - d. I direct the Registrar General to enter this order in the Adoption Register.
  - e. ENO and LKN are hereby appointed legal guardians of the child in the event that the applicants die or are otherwise incapacitated before the child attains the age of 18 years.
  - f. The appointment of FOO, the guardian *ad litem* now stands expired.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29<sup>TH</sup> DAY OF JULY, 2022.**

**M. THANDE**

**JUDGE**

**In the presence of: -**

..... for the Applicants

..... Court Assistant

