



**In re DD (Baby) (Adoption Cause E005 of 2020)  
[2022] KEHC 13140 (KLR) (Family) (29 September 2022) (Judgment)**

Neutral citation: [2022] KEHC 13140 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**ADOPTION CAUSE E005 OF 2020**

**AO MUCHELULE, J**

**SEPTEMBER 29, 2022**

**IN THE MATTER OF THE CHILDREN ACT, 2022**

**AND**

**IN THE MATTER OF BABY D.D.**

**IN THE MATTER OF AN APPLICATION FOR**

**ADOPTION BY**

**IN THE MATTER OF**

**JGM ..... 1<sup>ST</sup> APPLICANT**

**MNG ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants JGM and MNG are a Kenyan couple aged 40 years and 34 years, respectively. The 1<sup>st</sup> applicant is a sales manager while the 2<sup>nd</sup> applicant is a business lady. They solemnized their marriage on the April 13, 2013 at the Apostolic Victory Revival Church in Thika. The couple are blessed with two (2) biological children namely MMG and NWG. born on the July 30, 2014 and April 7, 2021, respectively. They filed this originating summons dated July 16, 2020 seeking to adopt Baby DD.
2. Baby DD is presumed to have been born on the October 21, 2018. She was found abandoned outside the gate of Africa Gospel Church Baby Centre in Nakuru County. The matter was reported at Nakuru Police Station *vide* OB No xx/xx/xx/2018. The child was thereafter admitted at Africa Gospel Church Baby Centre. The child was formally committed to the institution by the Nakuru Children’s Court in Protection and Care Case No 630 of 2018 on the November 2, 2018. Police efforts to trace the mother or relatives of the child were not successful as evidenced in the final police letter dated May 14, 2019. On June 21, 2019 the child was declared free for adoption and certificate No xxxx issued by



the Buckner Kenya Adoption Services. The applicants have been with the child since the July 30, 2019 when she was placed with them for foster care.

3. On June 17, 2021 the court appointed GVC as the guardian *ad litem* and ordered her and the Director of Children Services to separately carry out a social inquiry on the applicants to determine their suitability to adopt the child. The two reports were filed. Both recommended the applicants to be allowed to adopt the child. The reports found that the applicants were socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with them.
4. The court finds that it is in the best interest of the child to be adopted by the applicants. The applicants have demonstrated their capability to provide a conducive home and family environment in which the child will grow and develop. They will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if she was born to them. They have been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit their property. The applicants shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the parents of the child are hereby dispensed with as she was found abandoned.
5. Having been satisfied that all the legal requirements for a local adoption under the *Children Act* have been met, the following orders shall issue:
  - a. the applicants Joel Gathogo JGM and MJG are hereby allowed to adopt Baby DD;
  - b. Baby DD shall henceforth be known as NWG;
  - c. the child's date of birth shall be October 21, 2018 and shall be presumed Kenyan citizen having been found abandoned in Nakuru County in Kenya;
  - d. DMM and RWG are hereby appointed as the child's legal guardians in the event of the death or incapacity of the applicants before he is of full age and fully self-reliant;
  - e. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
  - f. the guardian *ad litem* is hereby discharged.

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

**A.O. MUCHELULE**  
**JUDGE**

