



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Baby J alias JBK (Child) (Adoption Cause 4 of 2017)  
[2022] KEHC 14850 (KLR) (26 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14850 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MAKUENI  
ADOPTION CAUSE 4 OF 2017  
GMA DULU, J  
OCTOBER 26, 2022**

**RULING**

1. Before me is an Originating Summons dated 3<sup>rd</sup> February 2016 filed under sections 4 and 154 of the Children’s Act 2001, section 9 of the *Kenya Citizenship and Immigration Act* No. 2 of 2011, and Article 14 of the *Constitution* of Kenya 2010, by KKN and BKM.
2. The applicants seek the following orders –
  1. That the applicants be authorized to adopt the child J.
  2. That the consent of the biological mother be dispensed with.
  3. That upon the making of the adoption order the said child be known as JBK.
  4. That the Registrar General do make the appropriate entry of JBK in the Adopted Children’s Register.
  5. That the child JBK be presumed to be a Kenyan citizen born in Kenya and that the Director of Immigration Services do issue JBK with a Kenyan Passport.
  6. That RMM be appointed Legal Guardian of the child JBK.
3. The Originating Summons was filed with a Statement dated 3<sup>rd</sup> February 2016 signed by both applicants and an affidavit in support of the application.
4. The Originating Summons was initially filed in Machakos High Court as Adoption Cause No. 01/2016 but, was later transferred to Makueni High Court.
5. The matter was first placed before me on 3<sup>rd</sup> February 2022 and on 9<sup>th</sup> June 2022, RMK was appointed by the court as Guardian Ad Litem, and the Director of Children Services ordered to file a report on the suitability of the applicant to adopt the child.
6. On 8<sup>th</sup> July 2022, the Director of Children Services through Mr. Francis Kyalo presented their report to court, and the Guardian Ad Litem also presented her report in court. I note that both reports



were favourable that the applicants be granted the orders sought in the Originating Summons. The proposed legal guardian of the child, DMM has also confirmed personally in court, that he is ready and willing to be appointed guardian of the child and to perform his duties until the child attain adult age.

7. Having myself considered the facts disclosed to me in these proceedings and the law, I am of the view that the child herein is free for adoption, and that the applicants have satisfied the legal requirements to be granted the orders sought. I am satisfied that there has been sufficient bonding between the child and the adoptive parents.
8. The adoption of the child herein is also in the best interest of the child as envisaged in the Constitution of Kenya Article 14 and the Children Act 2001, as the child will now have an opportunity to grow up in a family with parents who will care, support and guide him.
9. I thus allow the application and order as follows –
  1. That the applicants herein KKN and BKM be and are hereby authorized to adopt the child J.
  2. That the consent of the biological mother be and is hereby dispensed with.
  3. That upon making this adoption order the child be and is hereby to be known as JBK.
  4. That I direct that the Registrar General do make the appropriate entry of JBK in the Adopted Children's Register.
  5. That the child HBK be and is hereby presumed to be a Kenyan citizen born in Kenya and that the Director of Immigration do issue JBK with a Kenyan passport.
  6. That RMM be and is hereby appointed Legal Guardian of the child JBK.

**DATED, SIGNED AND DELIVERED AT MAKUENI IN OPEN COURT THIS 28<sup>TH</sup> DAY OF OCTOBER, 2022.**

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**GEORGE DULU**

**JUDGE**

