



REPUBLIC OF KENYA



**In re AS aka BC (Infant) (Adoption Cause E012 of 2021)
[2022] KEHC 15699 (KLR) (24 November 2022) (Judgment)**

Neutral citation: [2022] KEHC 15699 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E012 OF 2021
RB NGETICH, J
NOVEMBER 24, 2022
IN THE MATTER OF AN ADOPTION APPLICATION OF AS AKA BC (INFANT)
BY PM AND JMM**

JUDGMENT

1. By a joint originating summons application dated November 18, 2020, the applicants seek to be allowed to adopt the child AS among other prayers set out hereunder:-
 - a. That the consent of the biological parents of Baby AS aka BC be dispensed with.
 - b. Henceforth the baby AS be called ASM.
 - c. The court appoint AMM & RMM as the legal guardians.
 - d. The registrar general be ordered to make the appropriate entries in the adopted children's register.
 - e. That ASM be considered a Kenyan citizen.
 - f. Any other further orders the court may deem fit.
2. During the hearing, the 1st applicant PM aged 49 years a graphic designer at [particulars withheld] stated the 2nd applicant is his wife and they wish to adopt the child BC aged four (4) years and upon being allowed, the child's name be changed to ASM. He stated that they have stayed with the child for 2 ½ years and the child has been accepted by the family members.
3. The 2nd applicant JMM aged 47 years a project director working with [particulars withheld] stated that she has biological daughter aged twenty (20) years and an adopted son aged seven (7) years and the children have bonded well with the child herein.
4. Pw3 confirmed that the applicants and their children love the child herein. The court also made observations that the child appear happy in company of the applicants.



5. In affidavit sworn on November 18, 2020, the proposed legal guardians confirmed that they are aware of their responsibilities and undertook to take up their responsibilities.
6. The children's officer filed report on July 27, 2022. From the report, the child was found abandoned at Kapkatet market at around 10:00 pm on June 24, 2018. The matter was reported at Kapkatet Administration Police *vide* OB No 04/24/06/2018. The child is presumed to be born on June 21, 2018.
7. The child was committed to Kenya Children Home Adoption Society, the police officers conducted investigations and there was no trace of the biological parents; nobody claimed the child and subsequently on October 16, 2019, the child was freed for adoption by the Kenya Children's Home Adoption Society by *vide* certificate No 1905.
8. The children's officer made home visit and found the child was very happy and has bonded well with the adoptive parents and their two children. She said the child was well taken care of and the applicants are aware of their parental responsibilities and rights of the child. The report found the applicants suitable to adopt the child.
9. The *guardian ad litem* and the director of children's service have also established that the applicants are financially capable of raising the child. Both earn a cumulative net income of Kshs 350,616/=
10. From the foregoing, it would be in the best interest of the child for the applicants to adopt the child herein. The child having been found abandoned and not claimed by any person the court will dispense with the consent of the biological parents of the child.
11. I am satisfied that the applicants have satisfied all the requirements of adoption as stipulated in the [Children Act, 2022](#).

Final Orders:-

12.
 1. The applicants are allowed to adopt baby AS aka BC.
 2. The child's name to be changed to ASM.
 3. AMM & RMM are appointed as the legal Guardians.
 4. I hereby direct the registrar general to make appropriate entries in the adopted children's register in respect of the child herein.
 5. That ASM is a Kenyan citizen.
 6. The *guardian ad litem* is hereby discharged.

JUDGMENT DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 24TH DAY OF NOVEMBER, 2022.

.....
RACHEL NGETICH

JUDGE

In the presence of:

Kinyua/Martin – Court Assistant



No appearance by Parties

For applicant – Absent

