



**In re Baby BC (Adoption Cause E015 of 2022)
[2022] KEHC 16491 (KLR) (20 December 2022) (Judgment)**

Neutral citation: [2022] KEHC 16491 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E015 OF 2022**

**RB NGETICH, J
DECEMBER 20, 2022**

IN THE MATTER OF

**JMM 1ST APPLICANT
JWN 2ND APPLICANT**

JUDGMENT

1. The originating summons dated April 7, 2022 and amended on August 22, 2022 seeks the following orders: -
 - (a) That the applicants JMM and JWN be allowed to adopt baby BC.
 - b. Henceforth the baby be renamed PBM.
 - c. The child’s date of birth be declared to be July 7, 2019 at Kisii Teaching and Referral Hospital.
 - d. That the child be presumed to be a Kenyan citizen by birth and consequently entitled to all rights and benefits in respect thereof.
 - e. That CNM and JMM be appointed as the child’s legal guardians.
 - f. That the guardian *ad litem* be discharged
 - g. That the registrar general be directed to make the appropriate entries in the adoption children’s register.

2. The application is supported by the joint statement of the applicants in which they state they are adults of sound mind aged 43 and 44 years respectively. They averred that they married on December 5, 2009 at [particulars withheld] center and attached a copy of the marriage certificate serial No XXXX. Their marriage has not been blessed with children. The 1st applicant is a laboratory analyst at [particulars withheld] Africa while the 2nd applicant is a teacher at [particulars withheld] preparatory school. They



- deposed that they are financially capable to adopt the minor. They have attached copies of certificates of good conduct and medical reports respectively.
3. The report by the sub-county children officer filed on October 25, 2022, indicate that the applicants are suitable to adopt the child and further that the applicants are emotionally, physically and financially stable to cater for all the needs of the subject and the child appeared happy and had bonded well with the adoptive parents.
 4. A report filed by the guardian *ad litem* on October 26, 2022 states the applicants' motivation to adopt the minor is their desire to love and parent a child. She points out that the child has bonded well with the prospective parents. She states that baby C having been abandoned at the hospital, needs alternative family care which is best achieved in a family setup. She recommends the applicants as suitable parents to adopt baby C.
 5. During hearing, JMM confirmed that the 2nd applicant is his wife. They have stayed with the minor for one year; the child is now three (3) years old and has been accepted by the family members.
 6. From the record, the minor was abandoned at Kisii Teaching and Referral Hospital at the newborn unit on July 7, 2019. The mother never returned and the baby stayed for three (3) months in the hospital. The matter was reported to Kisii Police Station Vide OB No XXXX/2019. On November 19, 2019 the child was committed to New Life Home Trust- Kisumu for care and protection. On July 6, 2020, Kisii Police Station issued a final letter stating the minor's kin had not been traced.
 7. The child was declared free for adoption by Buckner Kenya Adoption Services on November 13, 2020 vide certificate serial No 466 and subsequently placed under the care and protection of the applicants.
 8. I wish to consider whether the applicants have fulfilled all the pre-requisites set out in sections 184, 185 and 186 of the [Children Act](#) 2022. From the record, all the reports needed have been filed. The report by the children officer and the guardian *ad litem* recommends the applicants as suitable adoptive parents for the minor.
 9. The minor having been abandoned by the mother require care and protection. This cannot be achieved when he is in the Trust Home; he needs to be adopted by a parent/s who are willing to take care of him. His biological parents are unknown. It is in the best interest that the minor be placed under the care and protection of the applicants.
 10. In the circumstances, I am satisfied that the applicants meet the required threshold of adoption, and I accordingly allow the application herein.
 11. Final orders: -
 1. The applicants herein JMM and JWM are authorized to adopt baby BC.
 2. The baby will henceforth be known as PBM.
 3. That PBM is presumed to be a Kenyan citizen having been born in Kenya.
 4. That the Registrar General does make appropriate entries in the adopted register in respect of the minor.
 5. That CNM and JMM. be appointed as legal guardians.
 6. The guardian *ad litem* is hereby discharged.

JUDGMENT DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU



THIS 20TH DAY OF DECEMBER, 2022.

.....

RACHEL NGETICH

JUDGE

In the Presence of:

Martin – Court Assistant

Ms. Kimeny for Applicants

