



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**In re JZ aka BP (Baby) (Adoption Cause E019 of 2022)
[2022] KEHC 16599 (KLR) (20 December 2022) (Judgment)**

Neutral citation: [2022] KEHC 16599 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E019 OF 2022
RB NGETICH, J
DECEMBER 20, 2022
IN THE MATTER OF THE CHILDREN ACT NO 8. OF 2001
AND
IN THE MATTER OF BABY JZ AKA BP
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION
BY
EKM.....1ST APPLICANT
AWW.....2ND APPLICANT**

JUDGMENT

1. Before the court for determination is the originating summons dated May 27, 2022 by the joint applicants seeking the following orders:
 - a. The applicants be allowed to adopt baby JZ aka BP .
 - b. Henceforth the child be renamed PGK .
 - c. The child's date and place of birth be declared to be January 4, 2020 at Kiambu County.
 - 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. The consent of the biological parents be dispensed with.
 - f. That Daniel Kamau Wanjiru and Catherine Wambui Kibathi be appointed as the child's Legal Guardians in the event the applicants are incapacitated.
 - g. The Guardian *ad litem* be discharged.



- h. That the Registrar General be directed to make the appropriate entries in the Adopted Children's Register.
 - i. Any other orders the court may deem fit.
2. The application is premised on the grounds that it is in the best interest of the child to be adopted; that the child will benefit from love and belonging having been abandoned while an infant in a toilet at [Particulars withheld] Building in [Particulars withheld] Shopping Centre, Kiambu County.
3. The application is supported by a joint affidavit of both applicants. They dispose that they are aged 49 years and 48 years respectively and were married in the year 2000 at Juja Christian Church and attached a Marriage Certificate Serial No xxxx . They averred that their union has not been blessed with any child. They are persons of means, with [Particulars withheld] a Car Wash Business in [Particulars withheld] and rearing pigs and earning a monthly income of kshs 150,000/= while AWW sells vegetables and earns about kshs 8,000/=
4. The Director of Children's services report filed recommends the applicants as suitable adoptive parents of the minor. The report indicate that the applicants have complied with the legal requirements as adoptive parents. They are socially, financially and emotionally stable.
5. In the report, it is observed that the minor has bonded well with the adoptive parents. The minor has lived with the parents for over a year and appears healthy and well taken care of.
6. The report by the guardian *ad litem* also recommends the applicants as suitable adoptive parents; the report states that the applicants are stable and capable of maintaining the minor.
7. The child was declared free for adoption by Buckner Kenya Adoption Services on February 5, 2021 vide certificate serial number XXXX and placed under the care and control of the applicants on March 19, 2021.
8. During hearing, the 1st applicant EKM confirmed that the 2nd applicant is his wife and they have lived together for twenty-two (22) years; he said they have lived with the minor for one (1) year six (6) months. The child has been accepted by the family and they have not been blessed with a child.
9. The 2nd Applicant AWW informed the court that they have bonded well with the minor and they live happily.
10. The minor having been abandoned and placed in children's home lacked the care and protection of a parent. This adoption will allow the minor to grow in a loving, caring and friendly home. The child has lived with the applicants for more than a year and stated she has bonded well with the adoptive parents and she is happy. Under section 8 (1) (a) of the *Children's Act* 2022, the best interest of the child is paramount.
11. I have no doubt the child is well taken care of unlike in the children's home. It is in the best interest of the minor that she be adopted by the applicants herein. The reports filed also recommend the applicants as suitable adoptive parents for the minor. I find the applicants have met requirements to adopt a child and allow prayers sought.

Final Orders: -

12.
 1. The applicants EKM and AWW are authorized to adopt baby JZ aka BP .
 2. The child shall be called PGK .



3. The child is presumed to be a Kenyan citizen and date of birth is presumed as January 4, 2020.
4. The guardian *ad litem* is discharged.
5. Daniel Kamau Wanjiru and Catherine Wambui Kibathi are appointed as the child's Legal Guardians.
6. The Registrar General does make the appropriate entries in the Adopted Children's Register.

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. Kimenyi for Applicants

