



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

ADOPTION CAUSE NO. 3 OF 2020

IN THE MATTER OF THE CHILDREN'S ACT

(NO. 8 OF 2001)

AND

IN THE MATTER ADOPTION OF BABY JJ(THE CHILD)

BY

PGN.....1ST APPLICANT

NCK.....2ND APPLICANT

JUDGMENT

1. PGN and NCK (the applicants) are husband and wife, aged 38 and 37 Years respectively. They got married under Kalenjin customary law and later solemnized their marriage on 20th March 2019 at the office of the Attorney General. They have no children of their own and they wish to adopt Baby JJ.
2. Baby JJ is a male child born on 23rd Nov 2018. He was found abandoned in Kitengela. A *bodaboda* operator rescued him and took him to Kitengela Police station. *Cpl. Renson Gambo* referred the baby to Kitengela Sub-county hospital for medical attention. The baby was found to be of good health and in stable condition. The baby was later discharged and committed to *Mahali pa Maisha Children's Home* in Kitengela on 5th February 2019 for a period of 3 years.
3. On 24th May 2019 Change Trust, declared the baby free for adoption vide Certificate No. xxxxx.
4. The couple have stayed with the baby in foster care from July 2019.
5. Both applicants are business people and have a stable income and thus capable of providing for the needs of the minor. They have no adverse health conditions and no criminal record.
6. The guardian ad litem made visits to the home 3 times and reported to have found a happy and well-kept child. The child has adjusted and bonded well with the parents and relatives. She recommended the adoption of the child.
7. The report of the sub-county children officer was also favorable and she also recommended the adoption of the child.

ANALYSIS

8. The Children's Act provides a number of conditions that have to be met before an adoption order is made: see Sections 156-158.
9. The court finds that the legal requirements under the Children's Act have been complied with and much more the court is satisfied that the applicants know the responsibility required by them in adopting the child. It is, in my view, the best interest of the baby for the order for adoption to be issued.

DISPOSITION

10. In view of the above finding, I grant the following orders:

- i. That the Applicants **PGN** and **NCK** are hereby authorized to adopt **baby JJ**.
- ii. That **baby JJ** shall hereafter be known as **AJNG**.
- iii. That the date of the child's birth is hereby declared to be 23rd November 2018 and his place of birth Kajiado County.
- iv. That the child is hereby presumed to be a Kenyan citizen by birth.
- v. That the consent of the biological parent/guardians is hereby dispensed with.
- vi. That **IJK** is hereby appointed as the legal guardian of the child.
- vii. That the registrar general is hereby directed to enter in the Adopted Children's Register an entry recording this adoption.

11. Orders accordingly.

JUDGMENT DATED AND DELIVERED AT KIAMBU THIS 23RD DAY OF SEPTEMBER, 2021.

MARY KASANGO

JUDGE

Coram:

Court Assistant : Ndege

For the applicant:- Miss Mhuri

COURT

Judgment delivered virtually.

MARY KASANGO

JUDGE