



REPUBLIC OF KENYA



**In re Baby DM (Adoption Cause E001 of 2023)  
[2023] KEHC 1551 (KLR) (1 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 1551 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
ADOPTION CAUSE E001 OF 2023  
RN NYAKUNDI, J  
MARCH 1, 2023  
IN THE MATTER OF THE CHILDREN ACT, 2001  
AND  
IN THE MATTER OF AN APPLICATION FOR ADOPTION OF BABY DM  
AND  
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY BOM AND FKN**

**RULING**

1. The applicant approached this court by way of originating summons dated February 7, 2023 seeking the following orders;
  1. That the applicants be authorised to adopt BDM to be known as DM.
  2. That the child be presumed to be a Kenyan citizen by birth.
  3. That the Registrar General be directed to enter the adoption in the Adopted Children Register.
  4. That the Director of Immigration be authorized to issue the child with a passport.
  5. That the court be pleased to make any further orders it deems necessary.
2. The application is premised on the statements of the applicants annexed thereto and the grounds in said statement.
3. Under article 53(2) of the [Constitution of Kenya 2010](#), courts are obligated to take the best interests of the child to be of paramount consideration, in any matter involving a child. The applicants have met the criteria under sections 158, 159 and 160 as read in consonance with section 4 of the [Children Act, 2001](#). From the facts and evidence placed before me herein, I am of the view that allowing this application for adoption will be in the best interests of the child.



4. Therefore, upon consideration of the application and the report by the adoption society declaring the minor free for adoption, the biological parents' consent, medical reports, chief's letters and home study reports I find that the application is merited and order as follows;
1. That the applicants BOM and FKN be authorised to adopt the minor herein – DM.
  2. That the child be presumed to be a Kenyan citizen by birth.
  3. That the Registrar General be directed to enter the adoption in the Adopted Children Register.
  4. That the Director of Immigration be authorized to issue the child with a passport.
  5. That the consent of the biological parents is hereby dispensed with by virtue of their consent to the adoption.

**DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 1<sup>ST</sup> DAY OF MARCH, 2023**

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**R NYAKUNDI**

**JUDGE**

