



**In re E alias AKS (Minor) (Adoption Cause E060 of 2021)
[2023] KEHC 17427 (KLR) (Family) (13 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 17427 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E060 OF 2021

DKN MAGARE, J

APRIL 13, 2023

**IN THE AMTTER OF THE CHILDREN’S ACT NO. 29
OF 2022(CHAPTER 586 OF THE LAWS OF KENYA)**

AND

IN THE (ADOPTION) REGULATIONS OF 2005

AND

**IN THE MATTER OF ADOPTION OF BABY E ALIAS AKS (MINOR)
AND IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

IN THE MATTER OF

IKS 1ST APPLICANT

JAO 2ND APPLICANT

JUDGMENT

1. This matter came up for hearing on April 11, 2023. The applicants document requested that the same proceeds in one file and the evidence taken in E 061 of 2021 be adopted in E 060 of 2021. This was duly done
2. The following documents and reports were produced.
 - a. Certificate freeing summary minor for adoption by Buckner Kenya Adoption Service.
 - b. Sealed certificate No xxxx
 - c. Certificate of registration to conduct local adoption.
 - d. Relevant certificate report dated November 30, 2021 by the department of social services.



- e. Guardian *ad litem* report.
- f. Report dated September 23, 2021.
3. The application was made by two joint applicants who are husband and wife. They also pray for the consent of the biological parents to be dispensed with as they cannot be found.
4. The application for the guardian *ad litem* was allowed and both the guardian *ad litem* and the secretary for children services were ordered to file a reports, which was done.
5. The guardian *ad litem* filed a favourable report. The guardian *ad litem* noted that the applicants and the minor have bonded well and recommended the adoption.
6. The applicants testified that they know that the adoption process, once concluded is irreversible the guardian *ad litem* of the minor herein her report. The child was and still is free for adoption. There is no impediment to the adoption. All the relevant authorities and bodies have carried their investigations and are satisfied.
7. I am satisfied that from the reports the applicants are suitable and the child is free for adoption and that the applicants are proper persons to adopt the minor herein. there is nothing impeding me from allowing the application.
8. The application meets the requirements of section 183 of the *Children's Act*, No 29 of 2022. Further the applicants are not disqualified by dint of section 186(2) and (4) of the *Children's Act*.

Determination

9. The upshot is that the court issues orders to the effect that the amended originating summons dated September 20, 2021 is hereby allowed in the following terms.
 - a. The 1st and 2nd applicants be authorised to adopt the minor known as baby E now known as AKS.
 - b. The consent of the biological parents be dispensed with.
 - c. MON jointly with VBO be appointed the legal guardian of the minor herein.
 - d. The Registrar General to make the appropriate entries in the children's register of adoption.
 - e. The director of immigration is authorised to issue the minor a Kenyan passport.
 - f. The child to be presumed Kenyan and born in Nairobi.
 - g. The child's date of birth be declared to be September 23, 2023 and her place of birth be declared as the Nairobi in Lang'ata
 - h. The guardian *ad litem* be and is hereby discharged.
 - i. The Registrar General is hereby directed to enter this adoption in the register of adoption and issue a birth certificate for the minor.
 - j. The file is sealed and closed.

**DELIVERED, DATED AND SIGNED AT NAIROBI ON THIS 13TH DAY OF APRIL, 2023.
JUDGMENT DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

HON. MR. JUSTICE DENNIS KIZITO MAGARE



JUDGE OF THE HIGH COURT, NAIROBI

In the presence of;

Miss Onyinkwa for the APPLICANT

Steve Buro –Court Assistant.

