



**In re JMN aka AWM (Adoption Cause E194 of 2022)
[2023] KEHC 17424 (KLR) (Family) (13 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 17424 (KLR)

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

FAMILY

ADOPTION CAUSE E194 OF 2022

DKN MAGARE, J

APRIL 13, 2023

IN THE MATTER OF THE CHILDREN’S (ACT NO. 29 OF 2022)

AND

IN THE MATTER OF BABY JMN AKA AWM

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION

IN THE MATTER OF

JMM 1ST APPLICANT

CNK 2ND APPLICANT

JUDGMENT

1. The Applicants made an application to adopt baby JMN also known as AWM on 4th October, 2022.
2. They also filed an application for appointment of the Guardian Ad litem one PNK.
3. The application for appointment of the Guardian Ad litem was allowed by Justice Riechi on 8th December, 2022.
4. The Guardian Ad litem prepared a report and testified in Court on 12th April, 2023 that she recommends the adoption. She did a home visit on 25th December, 2022 and interviewed the Applicants. She filed her Report on 12th March, 2023.
5. Winfred Ikinya an Assistant Director of Children Services testified that the child was born but the mother absconded from Kenyatta National Hospital.



6. All processes were undertaken till she was declared free for adoption Vide Certificate No. xxxx by the Buckner Adoption Society.
7. Mary Kimiri from the said society confirmed that the child was freed for adoption on 31st April, 2021.
8. The Director Children Service recommended the adoption and file a report dated 8th February, 2022.
9. I have perused the application and noted that the Applicants are married to each other hereby qualify to adopt. they married on 11th April, 2017.
10. I have perused the financial report and the reports from various agencies and I am satisfied that the Applicants meet the requirement of Section 183 of the Children's Act and are not disqualified by dint of Section 186 (2) and 4 of the Children's Act.
11. I therefore allow the Originating Summons as merited.

Determination

12. The upshot is that, I make the following orders; -
 - a. The Applicants JMM and CNK be allowed to adopt JMN aka AWM to be known as JFM.
 - b. MW and DMM be appointed as the Legal Guardian.
 - c. The Guardian Ad litem be discharged.
 - d. The Registrar General do make appropriate entries in the register of adoption.
 - e. The Registrar of Births and Deaths do issue the child with a birth certificate.
 - f. The dates of birth be declared to be.
 - g. The place of birth be declared to be Kenyatta National Hospital, Nairobi, Kenya.
 - h. The child to be presumed to be Kenyan.
 - i. The Guardian Ad litem be discharged.
 - j. The Director of Immigration be authorized to issue the child with a Kenyan passport.
 - k. This file be 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**

