



**In re M alias MCS (Minor) (Adoption Cause E061 of 2021)  
[2023] KEHC 17456 (KLR) (Family) (13 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 17456 (KLR)

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

**ADOPTION CAUSE E061 OF 2021**

**DKN MAGARE, J**

**APRIL 13, 2023**

**IN THE MATTER OF THE CHILDREN'S ACT NO. 29 OF 2022  
IN THE MATTER OF ADOPTION OF BABY M ALIAS MCS(MINOR)  
AND IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**IN THE MATTER OF**

**IKS ..... 1<sup>ST</sup> APPLICANT**

**JAO ..... 2<sup>ND</sup> 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 of E 061 of 2021 be adopted as E 060 of 2021.
2. The following documents and reports were produced.
  - a. Certificate freeing summary minor for adoption by Buckner Kenya Adoption Service.
  - b. Sealed Certificate No.xxx.
  - c. Certificate of Registration to conduct local adoption.
  - d. Relevant Certificate Report dated November 30, 2011 by the Department of Social Services.
  - e. Guardian *Ad litem* Report.
  - f. Report dated July 9, 2021.
3. The Application was made by 2 joint Applicants who are husband and wife. They also pray for the consent of the biological parents to be dispensed with.



4. The Applicants lawfully swore an affidavit dated September 20, 2021 on the affidavit of Mary Kamau Konji be adopted. On September 23, 2021 the Court granted Beatrice Atieno Oriedi to be the Guardian *Ad Litem*.
5. The Guardian *Ad litem* filed a favourable report. The guardian *ad litem* swore that the Applicants and the minor has 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.
7. 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.
8. 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.
9. 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**

10. 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 1<sup>st</sup> and 2<sup>nd</sup> Applicants be authorised to adopt the minor known as M now known as MCS
  - 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 13<sup>TH</sup> 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 Buoro –Court Assistant.

