



REPUBLIC OF KENYA



KENYA LAW
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**In re JJ (Minor) (Adoption Cause E004 of 2021)
[2023] KEHC 3042 (KLR) (12 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 3042 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NANYUKI
ADOPTION CAUSE E004 OF 2021
AK NDUNG'U, J
APRIL 12, 2023**

IN THE MATTER OF

JNO 1ST APPLICANT

RAO 2ND APPLICANT

JUDGMENT

1. This application is brought by way of Originating Summons dated July 23, 2021. The Applicants, J N O and R A O seek the following orders:-
 1. That the joint applicants herein be authorized to adopt the female child known as baby J J;
 2. That baby J J be declared a Kenyan Citizen by birth;
 3. That upon adoption the child be known as J J N;
 4. That consent required pursuant to section 159 of the *Children Act* be dispensed with;
 5. That E O G and L A O both of PO Box XXXX-00100 Nairobi be appointed as the legal guardians of the child;
 6. That the Registrar General do enter the adoption in the Adopted Children's Register.
2. The Applicants are husband and wife. Both are Kenyan citizens. They married in the month of August 2004 under Luo Customary Law and later on January 23, 2021 they formalized their union in church after which they were issued with a Certificate of Marriage no [particulars withheld] under the *Marriage Act*, 2014. The Applicants are both Kenyan citizens whose place of residence is within Laikipia County. J N O's occupation is an Accountant and R A O is a Social Worker and both are gainfully employed. The Applicants have been blessed with four biological children namely J T N, A B A N, B D N and R K N.



3. Baby JJ is estimated to have been born on August 29, 2017. She is an African child who was abandoned at the outpatient department of the Karatina Sub-County Hospital on October 4, 2017 when her presumed mother requested one LWK to hold baby JJ while she answered a call of nature, never to return. The abandonment was reported to Karatina Police Station vide OB No xxxx 2017 and thereafter the Senior Resident Magistrate Karatina Law Courts ordered that baby JJ be committed to the care and custody of Neema House Infant Rescue Centre. This committal order was given on October 11, 2017 in Care & Protection case no 5 of 2017.
4. The Children's Officer at Karatina assisted in obtaining a Birth Notification no [particulars withheld] issued on October 11, 2017 and later a Certificate of Birth no [particulars withheld] was issued.
5. By a letter dated May 28, 2018 to Neema House Infant Rescue Centre, Karatina Police Station confirmed that no one had claimed baby JJ since she was reported abandoned.
6. A report compiled by Aveline Karuku, Program Officer- Adoption & Child Placement at Change Trust declared baby JJ free for adoption following a Case Committee sitting on February 22, 2019. A Certificate serial no XXXX dated February 22, 2019 was issued to that effect.
7. Change Trust conducted a Social Inquiry and Home Study and made a report dated March 20, 2019 which found the Applicants suitable to adopt baby JJ. The Change Trust Case Committee advised on formalizing the Applicants' marriage to protect their adoptive children. The formalization has since taken place.
8. By a Care Agreement with Neema House Infant Rescue Centre dated January 25, 2021 the Applicants agreed to foster baby JJ pending the adoption. Baby JJ has been living with the Applicants to date.
9. On November 8, 2021 the court appointed V M W, holder of identity card number [particulars withheld] as Guardian Ad Litem and ordered that reports be filed by the Laikipia County Children's Officer, the Adoption Society and the Guardian Ad Litem.
10. Mr Ezekiel Omwansa, an Assistant Director in the Directorate of Children Services Laikipia County within the Ministry of Public Service, Gender, Senior Citizens and Special Programmes filed a favourable report dated January 17, 2022. A home visit was conducted by the Laikipia County Children's Office on January 4, 2022. It was observed that baby JJ had bonded well with the applicants, their biological children and the extended family and knows no other family. It was recommended that final orders be granted in favour of the adoption application.
11. The Guardian Ad Litem conducted interviews with the Applicants as well as home visits on various dates and produced a report dated January 20, 2022. She gave favourable report, confirming that baby JJ has fully settled into the home and is well taken care of. She also found that baby JJ knows her family members by name and that the home environment was conducive and favourable for a growing child. Baby JJ currently attends a local school together with the couple's biological children.
12. Upon reading the above reports and satisfying myself that the legal requirements have been adhered to, I am satisfied that the Applicants are suitable persons to adopt baby JJ and that they are financially stable and materially capable of giving a good, proper upbringing in a loving and safe environment to baby JJ. For these reasons, the court orders that:-
 - i. The Applicants herein are authorized to adopt baby JJ to be known henceforth as JJ N.
 - ii. JJ N is hereby declared a Kenyan Citizen by birth.
 - iii. Consent required pursuant to section 159 of the *Children Act* is hereby dispensed with.



iv. E O G and L A O both of PO Box XXXX-00100 Nairobi are hereby appointed as the legal guardians of J J N.

v. The Registrar General is hereby directed to enter the adoption in the Adopted Children's Register.

DATED AND SIGNED AT NANYUKI THIS 12TH DAY OF APRIL, 2023.

A. K. NDUNG'U

JUDGE

