



**In re RN (Minor) (Adoption Cause E055 of 2021)
[2023] KEHC 20033 (KLR) (Family) (15 June 2023) (Judgment)**

Neutral citation: [2023] KEHC 20033 (KLR)

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

FAMILY

ADOPTION CAUSE E055 OF 2021

PM NYAUNDI, J

JUNE 15, 2023

**IN THE MATTER OF AN APPLICATION FOR
THE ADOPTION OF BABY RN MINOR**

IN THE MATTER OF

DKK 1ST APPLICANT

VK 2ND APPLICANT

JUDGMENT

1. The Applicants by way of Originating Summons and Affidavit in support dated 26th July, 2022 seek orders authorising them to adopt the minor herein. They also seek an order that the child be known as MWK and that the Registrar General do make the appropriate entries in the Adoption Children Register and that the child be presumed to be a Kenyan Citizen upon their application being granted.
2. The Applicants married under Kikuyu Customary Law and later solemnized their marriage in a church wedding ceremony in 2002.
3. The first Applicant is a businessman while the second Applicant is a business lady. The couple have been blessed with three daughters but two passed on and a surviving one is an adult, who has consented to the adoption. They want to build their family and also provide a home for the child hence their reason for adoption. They have proposed JWK who is their Daughter and her husband RW as the legal guardians of the child.
4. The Minor is estimated to be born on 3rd April, 2015 as per the Director of Children's Services Report.
5. That on or about 5th May, 2015 when the child was approximately two (2) months old, the mother of the child approached Ms. JW who was at Muthurwa Market and requested her to hold her child as she went to relieve herself but she never came back for the child.



6. Ms. JW reported the matter at Kamukunji Police Station and recorded vide O.B Number xxxx.
7. The child was admitted at Mogra Rescue Centre on 5th May, 2015. She was then committed to the care and protection of the said home by the Senior Resident Magistrate's Court, Children's Court at Nairobi vide Protection and Care Case Number xxxx.
8. A police Letter dated 21st February, 2017 from Kamukunji Police Station confirms that the biological parents of the child have not been traced and no one has ever come to claim the child.
9. The child was then freed for adoption by the Kenyans to Kenyans Peace Initiative (KKPI) Adoption Society. A copy of the Certificate Declaring the Child free for adoption serial number xxxx is attached to KKPI Report and is dated 5th February, 2020. The child was then placed in the care of the Applicants on 16th October, 2020.
10. According to the report by Guardian Ad litem dated 4th August, 2022 the child has bonded well with the Applicants. The Applicants are financially and emotionally capable of providing the child with care, protection and education. The Applicants are of good health. They have no criminal record as evidenced by Police Clearance certificates of the first and second Applicants of serial numbers xxxx and xxxx1 respectively. The extended family of the Applicants supports this adoption hence KKPI Adoption Society recommends this adoption.
11. Prior to the hearing of the Ngure Muturi was appointed Guardian Ad Litem. He prepared a report dated 4th August 2022 after undertaking home visits and interviewing the Applicants and their family. He recommends the Adoption
12. Pursuant to Section 156(1) of the *Children Act*, 2022, KKPI Adoption Society and the Director of Children's Services prepared and filed favourable reports in respect of the proposed adoption of the child by the Applicants. The reports of the Directorate of Children Services is dated 24th August 2022.
13. The proposed legal guardians, JWK (a daughter to the Applicants) and her husband RW confirmed that they have consented to appointment as the legal guardians of the child.
14. This is a local adoption where the evidence provided proves that the Applicants have fulfilled all the legal requirements for the adoption of the child envisaged under Section 158 of the Children's Act Cap 419.

Determination

15. All the statutory reports filed in respect of this proposed adoption recommend that this Court allows the Applicants to adopt the child. This Court has satisfied itself that the Applicants are qualified and able to take care of the child. The home visits conducted by the guardian ad litem, the social worker of the adoption society and the representative of the Department of the Children's Services established that the Applicants have the financial and emotional capability to provide for the upkeep, care and education of the Child and that the Child has bonded well with the Applicants.
16. The Child was present in court and the Court observed that she appeared well groomed and bonded well with the Applicants.
17. This court is of the opinion that this Adoption would be in the best interest of the child and allows the Applicants' application that;
 - a. The Applicants, DKK and VK are hereby allowed to adopt baby RN.
 - b. Henceforth, the child shall be known as MWK.



- c. Her date of birth shall be 4th April, 2015.
- d. She is presumed to be a citizen of Kenya by birth.
- e. JWK, RMW are hereby appointed as legal guardians of the child should any eventuality arise.
- f. This Court directs the Registrar to duly enter this order in the Adoption Children Register.

18. The guardian ad litem is hereby discharged.

It is so ordered

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15TH DAY OF JUNE, 2023.

P M NYAUNDI

HIGH COURT JUDGE

In the presence of:

Karani Court Assistant

