



**In re Baby JG (A Child) (Adoption Cause E017 of 2022)
[2023] KEHC 22702 (KLR) (22 September 2023) (Judgment)**

Neutral citation: [2023] KEHC 22702 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E017 OF 2022
A MSHILA, J
SEPTEMBER 22, 2023
IN THE MATTER OF THE CHILDREN'S ACT
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION
ORDER OF BABY JENNY GABRIELLI (A CHILD)
FRANCIS KANGERE NJUGUNA
CECILIA WARIGIA NJOROGE.....JOINT APPLICANTS**

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 5th day of May, 2022 and is premised under the provisions of Article 14(4) of the Constitution of Kenya, Sections 158, 159, 160 of the Children's Act and Section 24 of the Interpretations and General Provisions Act and Section 3A of the Civil Procedure Act. The Applicants seek the following Orders;
 - a. That MGN appointed as guardian ad litem of Baby JG;
 - b. That the Applicants FKN and CWN be authorized to legally adopt Baby JG who will be known as AWK;
 - c. That Baby JG be presumed to be a Kenyan citizen by birth;
 - d. JKN and LWN be appointed as next of kin and legal guardians to Baby JG;
 - e. The Registrar General do make the appropriate entry of AWK in the Adopted Children's Register.
2. The application was supported by a joint statement and Affidavit made by the Applicants; The Guardian Ad Litem MGN was appointed on the 1st December, 2022; This court directed the Director of Children's Services and the Guardian Ad Litem to carry out a home visit and do investigations and to file their Reports.



3. After visiting and interrogating the Applicants the Githunguri Sub-County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt baby JG the reports were duly filed in court and are dated April 27, 2023 and April 24, 2023; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.
4. The baby JG who is female estimated to have been born on 3rd October, 2018 and whilst four (4) months old was found abandoned at Thika Level 5 Hospital; the case of abandonment was reported on June 28, 2019 to Thika Police Station vide OB No 07/9/10/2018 and the baby JG was admitted to House of Charity Childrens' Home, for temporary shelter, care and protection whilst awaiting committal; under the Protection and Care Case No. 15 of 2019 the Children's Court sitting at Thika baby JG was formally committed vide Order issued on January 31, 2019 to the aforesaid institution for protection and care until her fostering; On the July 31, 2019 she was declared free for adoption under Section 194 of the Children's Act 2022 and a Certificate Serial Number 7XXXXXX4 was issued by the KKPI Adoption Society.
5. After reading and taking into consideration the contents of these Reports and the court was satisfied that all the legal requirements had been adhered to notably; the Applicants are Kenyan citizens and they solemnized their marriage in Church on 2/02/2018 in as evidenced by the copy of the attached Certificate of Marriage Serial No.3XXXXX3; at the time of filing this application the prospective adoptive parents FKN was aged 46 years and CWN was aged 44 years and therefore both their ages fall within the prescribed legal parameters; The Applicants have no biological children of their own; FKN is employed by [particulars withheld] Carriers as a driver whereas CWN is self employed and runs a hairdressing business in Githunguri; the Applicants have produced into court copies of Title documents and Bank Statements to prove their financial capability to support Baby JG when they assume responsibility of her upbringing.
6. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the families of the Applicants or any individual characteristics or lifestyle that would be detrimental to the baby;
7. It is noted that this is was a case of abandonment therefore the consent of the biological parents shall be dispensed with whereas the consent of the proposed Legal Guardians has been duly filed.
8. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt Baby JG and the court is satisfied that the order for adoption will be in the best interest of the baby.

Findings & Determination

9. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
 10. The Applicants are hereby authorized to adopt baby JG; she shall be known as AWK.
 11. That BabyAWK be presumed to be a Kenyan citizen;
 12. The Registrar General is hereby directed to enter this adoption order of AWK in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name AWK.
- f. The Guardian Ad Litem MGN is hereby discharged and JKN and LWN be appointed as next of kin and legal guardians to BabyAWK until the minor attains the age of majority of eighteen (18) years.



Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 22ND DAY OF SEPTEMBER, 2023.

HON.A. MSHILA

JUDGE

In the presence of;

Mourice – Court Assistant

Kamenju– for Applicants

