



**In re Adoption of Baby DJ (Adoption Cause E172 of 2024)
[2024] KEHC 14166 (KLR) (Family) (14 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14166 (KLR)

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

ADOPTION CAUSE E172 OF 2024

SN RIECHI, J

NOVEMBER 14, 2024

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY DJ

IN THE MATTER OF

LMM 1ST APPLICANT

PWM 2ND APPLICANT

JUDGMENT

1. The Applicants, LMM and PWM are in a monogamous marriage that was solemnized on 23rd August 2019 at the office of the registrar of marriages as evidenced by a copy of their marriage certificate serial number 407012 attached to the application.
2. The Applicants have been blessed with three biological sons namely KM born in 1992, IM born in 2003 and CN born in 2009 as evidenced by copies of their birth certificate attached to the application. The applicants now wish to adopt a female child known as Baby DJ through the Originating summons dated 21st August 2024.
3. The 1st applicant is a male adult of sound mind who is 55 years old having been born on 20th October 1969 as evidenced by a copy of national identification card number 10177XXXX attached to the application. The 2nd applicant is a female adult aged 50 years old having been born on 28th February 1974. The applicants therefore meet the age requirement under section 186(2) of the [Children Act, 2022](#) to adopt.
4. From the pleadings, the court notes that the 1st applicant is a business man and the 2nd applicant is a business lady . The applicants reside in Kahawa West within Nairobi County. The applicants profess the Christian faith.



5. The evidence before the court indicate that the minor was presumably born on 25th February 2015. The applicants stated the minor was found abandoned at Nakuru Central Police Station and booked through OB number 80/2/02/2015 as evidenced by a copy police Initial Letter dated 3rd March 2015 attached to the summons.
6. The evidence on record indicates on 15th August 2015 the baby was placed at Kardesh Ber Nea Baby and Children Home. The baby was committed to the said home under P& C No. 215/2015 as evidenced by a copy of committal order attached to the application.
7. The evidence on record indicates that the minor stayed at Kardesh Ber Nea Children's Home until 28th July 2016 when she was placed under the foster care arrangement with the applicants as evidenced by foster child care record attached to the application.
8. ON 3rd September 2015, the Nakuru Central Police Station issued a final letter in which it stated that no one went to claim for the abandoned child and their efforts to trace the child's relatives proved futile as evidenced by a copy of the final police letter attached to the application.
9. Prior to the hearing of the adoption application, Buckner Kenya Adoption Services prepared and filed a report dated 29th October 2024 .They also issued a Certificate Serial No 492 declaring the child free for adoption as evidenced by the copies of a report and certificate declaring a child free for Adoption attached to the application.
10. The guardian ad litem BWM filed a report dated 24th October 2024 which was favourable and recommended the adoption of the child by the Applicants.
11. The Assistant Director Damaris Kobonah, Children Officer, Milimani Children Court from the office of the Director of Children Services conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 25th October 2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicants and that the Applicants have fulfilled the statutory requirements.
12. KMM consented to be appointed as legal guardian for the child and he filed a letter of consent dated 21st August 2024 attached to the application.
13. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
14. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
15. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
16. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child's biological parents whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicants.
17. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of the *Constitution* and Section 8 of the *Children's Act*, 2022. I do find that it is in the best interest of the child to be adopted by the Applicants. I therefore allow the prayers sought in the originating Summons dated 21st August 2024 and Order as follows:



- i. The Applicants LMM and PWM are hereby allowed to adopt Baby DJ who shall henceforth be known as DJN.
- ii. She is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
- iii. KMM is hereby appointed as the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
- v. The guardian ad litem is hereby discharged.

DELIVERED AT NAIROBI THIS 14TH DAY OF NOVEMBER, 2024

S. N. RIECHI

JUDGE

