



**In re JMM (Baby) (Adoption Cause E167 of 2024)
[2024] KEHC 14234 (KLR) (Family) (7 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14234 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E167 OF 2024**

SN RIECHI, J

NOVEMBER 7, 2024

N THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY JMM

IN THE MATTER OF

BMM 1ST APPLICANT

ANK 2ND APPLICANT

JUDGMENT

1. The Applicants, BMM and ANK are in a monogamous marriage that was solemnized on 3rd October 2015 at African Inland Church Buruburu as evidenced by a copy of their marriage certificate serial number xxxxxx attached to the application.
2. The Applicants have not been blessed with a child of their own and wish to adopt a male child known as Baby J through the Originating summons dated 7th August 2024.
3. The 1st applicant is a male adult of sound mind who is 38 years old having been born on 26th August 1986 as evidenced by a copy of national identification card number xxxxxxxx attached to the application. The 2nd applicant is a female adult aged 35 years old having been born on 10th April 1989. 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 banker working at Equity bank as a teller and the 2nd applicant is a secretary working as a secretary cum customer care officer at Fargo Courier. The applicants reside in Umoja within Nairobi County. The applicants profess the Christian faith.
5. The evidence before the court indicate that the minor was presumably born on 12th March 2023 in Kiambu. The applicants stated the minor was found abandoned at OPD waiting bay at 5.30am by a



casual worker on 12th June 2023 in Kiambu Level 5 Hospital and was estimated to be 3-4 months as evidenced by a copy of history and physical examination attached to the application.

6. The evidence on record indicate the matter was reported to Kiambu Police Station through OB number x/12/06/2023 as evidenced by police Initial Letter dated 12th June 2023 attached to the summons.
7. The OCS Kiambu police station referred the child to Limuru Children's Center where he was admitted as a child in need of care and protection on 20th June 2023 as evidenced by a copy admission form attached to the application.
8. On 5th September 2023 an application was made at Chief Magistrate's Court at Kiambu requesting the child to be committed to Limuru Children's Center and on the same date the Children's Court committed the child to the said Center under care and protection case number E010 of 2023 as evidenced by a copy of committal order attached to the application.
9. From evidence on Court record, final police letter was issued 16th January 2024 by Kiambu Police Station and it confirmed that no one went to the station to claim the abandoned child and their efforts to trace the kindred of the child have been futile as shown by a copy of final letter attached to the summons.
10. Prior to the hearing of the adoption application, Kenya Children's Home Adoption Society prepared and filed a report dated 17th January 2024 .They also issued a Certificate Serial No 945 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.
11. The guardian ad litem Sakina Asman filed a report dated 4th October 2024 which was favourable and recommended the adoption of the child by the Applicants.
12. The Assistant Director Winfred Ikinya 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 26.9.2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
13. TNM consented to be appointed as legal guardian for the child and he filed a consent attached to the application.
14. This is a local adoption and from the record the Applicant has 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.
15. 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 7th August 2024 and Order as follows:
 - i. The Applicants BMM and ANK are hereby allowed to adopt Baby J who shall henceforth be known as JMM.



- ii. His date of birth shall be 12th March 2023 and his place of birth shall be Kiambu Level 5 Hospital, Kiambu County. He is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
- iii. TNM is hereby appointed 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 7TH DAY OF NOVEMBER, 2024

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S. N. RIECHI

JUDGE

