



**In re JSL (Minor) (Adoption Cause E003 of 2023)
[2024] KEHC 4147 (KLR) (Family) (29 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 4147 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA
FAMILY
ADOPTION CAUSE E003 OF 2023
CM KARIUKI, J
APRIL 29, 2024
IN THE MATTER OF ADOPTION OF(MINOR) JSL**

IN THE MATTER OF

LM 1ST APPLICANT

JL 2ND APPLICANT

JUDGMENT

1. By way of Originating Summons dated 8/9/2023 supported by Affidavit of LM on 8/9/2023, the applicants seek prayers. 1-5 in the Originating Summons, namely;
 - i. That consent of the biological parents of the minor be dispensed with since the child was abandoned by the biological parents and efforts to trace the parents have since proved futile.
 - ii. That the applicants herein be authorized to adopt the said child and the child be henceforth called JSL.
 - iii. That the child be presumed to be a Kenyan Citizen having been found in Kenya at the time
 - iv. That the Registrar-General do make the appropriate entries in the Adopted Children’s register in respect of the minor and further the Register of Births of Births and Deaths do issue a Birth Certificate in respect thereof.
 - v. That the guardian ad litem JL be discharged and EL be appointed as the legal guardian of the minor herein in the event that the applicants herein are in any way incapacitated or in any way unable to discharge their parental obligations.
 - vi. That the court does issue such other orders as may be necessary in the best interest of the child.
2. The applicants aver that:



- a. That we do wish to adopt the child herein, who was born on the 10th day of June 2020 and abandoned by the biological mother on the 17th day of June 2020 admitted on the 17th of June, 2020 at Samburu County Referral Hospital, discharged on the 22nd June, 2020 and committed to children's court at Maralal on 27th January, 2022. (Annexed herewith are copies of the police letters from the police station, discharge abstract, and committal order marked LMJL 1, II, and III).
 - b. They have been married for about 16 years and have been blessed with three children of our own VL born in 2007, GL born in 2011 and AL born 2016. (annexed is a copy of the marriage certificate, copy of birth certificates, and marked LMJL IV).
 - c. That LM was born in 1978 and co-applicant are Kenyan citizen by birth of African descent while JL was born in the year 1984, also a Kenyan citizen by birth of African descent. (Annexed are copies of Identity Cards and marked LMJL V).
 - d. They are both domiciled in Kenya and residents of Maralal and worship at ACK ALL Saints' pro-cathedral Maralal church. (Annexed is a copy of the recommendation letter from the church and marked LMJL VI).
 - e. They took the child into our foster care on 22nd June 2020 through the children's office Maralal and the child has been in our continuous care and control ever since (Annexed is a copy of the foster care placement rule and marked LMJL VII).
 - f. That the child has been declared free for adoption by the KKPI Adoption Society (Annexed is a copy of the standard certificate of declaring the child free for adoption and marked LMJL VIII).
 - g. The child is a male and a Kenyan by birth of African descent.
 - h. That the child has not received or agreed to receive and no person has made or given or agreed to make a payment or reward in consideration of the adoption.
 - i. They have not made an application for an adoption order in respect of the same child before in any court.
3. On 13/2/2024 the court appointed the JL guardian ad litem vide orders extracted on 21/2/2024.
 4. The applicant also testified to affirm the contents of the pleadings and the contents of the documents attached in support of the Originating Summons.
 5. The court having gone through the evidence tendered, pleadings, and supporting documents is satisfied that the originating summons is merited thus same was granted in terms of prayers 1-5. Thus, the court makes orders that;
 - i. That consent of the biological parents of the minor is hereby dispensed with since the child was abandoned by the biological parents and efforts to trace the parents have since proved futile.
 - ii. That the applicants herein are hereby authorized to adopt the said child and the child shall be henceforth called JSL.
 - iii. That the child is hereby presumed to be a Kenyan Citizen having been found in Kenya at the time.



- iv. The Registrar-General is hereby directed to make the appropriate entries in the Adopted Children's register in respect of the minor and further, the Register of Births of Births and Deaths do issue a Birth Certificate in respect thereof.
- v. That the guardian ad litem JL is hereby discharged and EL is hereby appointed as the legal guardian of the minor herein in the event that the applicants herein are in any way incapacitated or in any way unable to discharge their parental obligations.

DATED AND DELIVERED AT NYANDARUA THIS 29th DAY OF APRIL 2024.

CHARLES KARIUKI

JUDGE

