



In re LGL aka G aka GLL aka GL (Minor) (Adoption Cause 1 of 2023) [2024] KEHC 4146 (KLR) (29 April 2024) (Judgment)

Neutral citation: [2024] KEHC 4146 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA
ADOPTION CAUSE 1 OF 2023
CM KARIUKI, J
APRIL 29, 2024**

IN THE MATTER OF

**CL 1ST APPLICANT
JLL 2ND APPLICANT**

JUDGMENT

1. By Originating Summons dated 29/8/2023. The Plaintiffs/Applicants sought orders;
 - i. That the 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 be called GLL.
 - iii. That the child be presumed to be a Kenyan Citizen having been found in Kenya at the time of birth.
 - 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* MLL be discharged and ENL 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 same is supported by the Affidavit of JLL sworn on 29/8/2023 who has also sworn an affidavit of means sworn on 29/8/2023.
3. The court appointed Mathew Lempapa Loturoomom guardian Ad litem on 13/2/2024 vide extract order dated 21/2/2024.
4. He testified in court on 12/3/2024 to affirm the content of his documents in support of the Originating Summons.
5. The court has gone through the Supporting Affidavit especially paragraphs 2-6.
 - a. They do wish to adopt the child herein who was born on the 19th day of May 2020 and abandoned by the biological mother on the 6th day of June 2020, medically attended on the 6th of June 2020 at Samburu County Referral Hospital and committed to Children's Court at Maralal on 27^h January 2022 (Annexed herewith are copies of the police letters from the police station and committal order and marked JLLCL 1, II and III.)
 - b. They have been married for about 24 years and have been blessed with three daughters of our own MNL born on xxxx , BNL born on xxx, and P NL born on xxx (annexed is a copy of the marriage certificate fate, copy of the birth certificate and the identity cards marked JLLCL IV).
 - c. JLL was born in xxx and the co-ap AL was born in the year 1974, also a Kenyan citizen by birth of African descent (annexed are copies of Identity cards and marked JLLCL V).
 - d. They are both domiciled in Kenya and are residents of XXX and worship at ACK church. (Annexed is a copy of the recommendation letter from the defense Headquarters marked JLLCL V1).
 - e. They took the child into our foster care on 10th June 2020 from the children's office Samburu and the child has been in our continuous care and control ever since. (Annexed is a copy of the foster care placement form and marked JLLCL V11).
6. After going through the pleadings, affidavits, annexures, and the applicant's testimony, I find the applicant suitable to adopt the subject/child and thus grant the orders as prayed in the originating summons dated 29/8/2023, namely;
 - i. The 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 be henceforth be called GLL.
 - iii. That the child is hereby presumed to be a Kenyan Citizen having been found in Kenya at the time of birth.**
 - 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* MLL is hereby discharged and ENL appointed as the legal guardian of the minor herein in the event that the applicants herein are in any way incapacitated or in any unable to discharge their parental obligations.

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

CHARLES KARIUKI

JUDGE

