



REPUBLIC OF KENYA



KENYA LAW
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**In re LP (Child) (Adoption Cause E021 of 2023)
[2024] KEHC 8056 (KLR) (28 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 8056 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E021 OF 2023**

**A MSHILA, J
JUNE 28, 2024**

IN THE MATTER OF

**DNM 1ST APPLICANT
JNK 2ND APPLICANT**

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 12th day of August, 2023 and is premised under the provisions of Sections 154, 156, 157, 158, 159, 160, 163, 164 & 170 of the *Children's Act*. The Applicants seek the following Orders;
 - a. That CFO be appointed as Guardian Ad Litem of Baby LP;
2. That the Applicants DNM and JNK be authorized to legally adopt Baby LP who will be known as GMLN;
 - a. That Baby LP be presumed to be a Kenyan citizen;
 - b. JKM and LNM be appointed as next of kin and legal guardians to Baby LP;
 - c. The Registrar General do make the appropriate entry of GMLN in the Adopted Children's Register.
3. The application was supported by a joint statement and Affidavit made by the Applicants; The Guardian Ad Litem CFO was appointed on the 8th November, 2023; 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.
4. After visiting and interrogating the Applicants the Thika Sub-County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt baby LP; the reports were duly filed in court and are dated 22nd January, 2024 and 19th January, 2024 respectively;



both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.

5. The baby LP who is male was born on 30th March, 2022 and found abandoned at the Kangemi health Centre within Kangemi Area; the case of abandonment was reported to Kangemi Police Station vide OB No.XXXX/2022; efforts to trace the biological mother have borne no fruit and consequently the court was urged to dispense with her consent.
6. The baby LP was admitted to House of Charity Children's Home, for temporary shelter, care and protection whilst awaiting committal; under the Protection and Care Case No. E136 of 2022 the Children's Court sitting at Nairobi baby LP was formally committed vide Order issued on 22nd April, 2022 to the aforesaid institution for protection and care until his fostering. On the 7th October, 2022 he was declared free for adoption under Section 156(1) of the Children's Act and a Certificate Serial Number XXXX was issued by the Little Angels Network.
7. 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 on 23rd February, 2013 at PCEA St Andrews Church at Nairobi as evidenced by the copy of the attached Certificate of Marriage Serial No.XXXX; at the time of filing this application the prospective adoptive parents DNM was aged 34 years whereas JNK was aged 34 years and therefore both their ages fall within the prescribed legal parameters; The Applicants have no biological children of their own; Both are in gainful employment as Accountant and Lecturer and have produced into court copies of Title documents and Bank Statements to prove their financial capability to support Baby LP when they assume responsibility of his upbringing.
8. 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 applicant or any individual characteristics or lifestyle that would be detrimental to the baby;
9. It is noted that efforts to trace the biological mother have borne no fruit and consequently this court will dispense with her consent. The consents of the two proposed Legal Guardians have been duly filed.
10. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for the adoption orders and are found to be suitable persons to adopt Baby LP and this court is satisfied that the order for adoption will be in the best interest of the baby Baby LP.

Findings & Determination

11. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
12. The Applicants are hereby authorized to adopt baby LP; he shall be known as GMLN.
13. That Baby GMLN be and is hereby presumed to be a Kenyan citizen;
14. The Registrar General is hereby directed to enter this adoption order of GMLN in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name GMLN.
15. The Guardian Ad Litem CFO is hereby discharged and JKM and LNM be and are hereby appointed as next of kin and legal guardians to BABY GMLN until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.



DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 28TH DAY OF JUNE, 2024.

HON.A. MSHILA

JUDGE

In the presence of;

Mourice – Court Assistant

Applicants present in person

