



**In re MJ (Baby) (Adoption Cause E103 of 2022)
[2024] KEHC 8099 (KLR) (Family) (27 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 8099 (KLR)

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

ADOPTION CAUSE E103 OF 2022

SN RIECHI, J

JUNE 27, 2024

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

IN THE MATTER OF

BWK 1ST APPLICANT

SWK 2ND APPLICANT

JUDGMENT

1. The Applicants, BWK and SWK are in a monogamous marriage which was solemnized on 15.12.2007 at Ridgeways Baptist Church in Nairobi Province as evidenced by a copy of their marriage certificate serial number (Particulars withheld) attached to the application.
2. The 1st applicant is a Kenyan Citizen aged 59 years old born on 5.11.1964 as evidenced by a copy of his National Identification Card number (Particulars withheld) attached to the summons. The 2nd applicant is Kenyan Citizen aged 60 years old born in 1960 as evidenced by a copy of her National Identification Card number (Particulars withheld).
3. The applicants have one adopted son JKW as evidenced by copy of adoption order attached to the summons. The applicants now wish to adopt a female child known as Baby MJ through the Originating Summons dated 1st July 2022.
4. From the pleadings, the court finds that the 1st applicant is a Pastor. The 2nd Applicant is a retired civil servant. The applicants reside in (Particulars withheld) Sub County. Both profess Christian faith.
5. The evidence on record indicate that the minor was presumably born on 23rd June 2009 at (Particulars withheld) location (Particulars withheld) Village. The child was found abandoned in said village. The child was rescued by one LM who took her to Ongata Rongai Police Station.



6. The matter was reported to Ongata Rongai Police Station where it was recorded vide Occurrence Book Number 23/xx/xx/2013. The police officer referred the child to Fatima Children Care and Nutrition Center and vacancy was availed as evidenced by attached copy of the Admission Form attached to the application.
7. The evidence before court indicate the child was later on transferred to Thomas Barnado House on 13th August 2014 through the sub county Children Officer-Kajiado as evidenced by a copy of the Admission Form attached to the application.
8. The evidence on record indicate that on 12th September,2014 the child was committed by Nairobi Children's Court through Protection and Care Number 273 of 2014 to Thomas Barnado House as evidenced by a copy of the committal summary and order attached to the application.
9. The Ongata Rongai Police Station issued final letter dated 31st July 2014 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.
10. Prior to the hearing of the adoption application, Kenya Children's Home prepared and filed a report dated 4th January,2021. They also issued a Certificate serial number 1164 declaring the child free for adoption as evidenced by the copies of report and certificate declaring a child free for Adoption attached to the application.
11. The child was placed under the foster care of the applicants on 4th November 2014 pending adoption as evidenced by a copy of the foster care agreement attached to the application.
12. 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.
13. 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.
14. 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.
15. The guardian ad litem Florence Nyambura Wangotho filed a report dated 14th April 2023 which was favourable and recommended the adoption of the child by the Applicants.
16. Rachel Wamboi Karanja from the office of the Director of Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 24th April, 2023 recommending 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.
17. The legal guardian Peter Njau Ngene consented to be appointed as legal guardian of the child and he filed a letter of consent attached to the application.
18. 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 since their whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicants.
19. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of *the Constitution* and Section 8 the *Children's Act*,2022. I 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 amended originating Summons dated 1.7.2022 and Order as follows:

- i. The Applicants BWK and SWK are hereby allowed to adopt Baby MJ who shall henceforth be known as EWW.
- ii. She is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution and her date of birth shall be 23rd June 2009.
- iii. PNN is hereby appointed the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- v. The guardian ad litem is hereby discharged.

DATED AT NAIROBI THIS 27TH DAY OF JUNE, 2024

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S. N. RIECHI

JUDGE

