



**In re Baby SNN (Minor) (Adoption Cause E033 of 2022)
[2023] KEHC 1475 (KLR) (Family) (24 February 2023) (Judgment)**

Neutral citation: [2023] KEHC 1475 (KLR)

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

FAMILY

ADOPTION CAUSE E033 OF 2022

DKN MAGARE, J

FEBRUARY 24, 2023

IN THE MATTER OF THE CHILDREN'S ACT NO. 29

OF 2022

IN THE MATTER OF ADOPTION BABY SNN

(MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR

ADOPTION BY

IN THE MATTER OF

GWN APPLICANT

JUDGMENT

1. This matter has been placed before me to handle during the two weeks in January 2023 over the rapid results initiative. The matter was heard on January 26, 2023 as I reserved judgment for today February 24, 2023.
2. The applicant GWN is a nurse working in the USA. She has two children of her own aged 24 and 26 years. The two children are living on their own and are working. She earns fairly good amount of money. She intends to adopt MW her 16-year old nephew who lives in Thika.
3. PW2 RNM is the biological father of the minor. He consented to the adoption. I also had a discussion with the minor who expressed his views when I recorded separately.
4. PW3 MW is a biological mother of the minor and the sister of the applicant she had consented to the sister adopting her son.



5. PW4 AN was appointed as a guardian Ad litem. She gave her report dated November 3, 2022. The report is favourable. She had examination and teleconferencing with the applicant he detailed report was produced as evidence.
6. PW5 PNA is the legal guardian. She knows her position as a legal guardian. She confirmed to the court that she consented to be the legal guardian and signed all the requisite documentation and consents.
7. PW6 Jackline Wambui produced a report on behalf of the KKPI Adoption agency.
8. PW7 from the children service supported the adoption subject to the charge of the legal guardian. I am satisfied that the child is related to the adoption hence this a kinship adoption.
9. The court is guided by Article 53(2) of the constitution, which provides as doth:-

“(2) A child’s best interests are of paramount importance in every matter concerning the child.”
10. The minor was comfortable with the adoption. I note the age difference is within the requisite limit. In any case, this was a kinship adoption.
11. I have perused the reports and note that they comply with the children’s Act No 29 of 2022, notwithstanding that they were filed under the Children’s Act 2001(now repealed).
12. The minor was also declared free for adoption by KKPI Adoption Society on February 17, 2022 vide certificate No 543 with the consent give for the kinship Adoption.
13. In the circumstance the originating summons ought to be allowed.

DETERMINATION

14. I hereby allow the originally summons dated March 10, 2022 for adoption of the minor herein and issue the following orders: -
 - a. GWN be authorized to adopt SN to be known as SNN and the Registrar General do accordingly enter this adoption in the Register of Adoption.
 - b. The date of birth be declared as June 16, 2005 and a birth certificate do issue accordingly.
 - c. PNA be appointed as the legal guardian of the minor.
 - d. The guardian *ad litem* be and is hereby discharged.

SIGNED and DELIVERED at MOMBASA on this 24th day of February, 2023. Judgment delivered through Microsoft Teams Online Platform.

**MR. JUSTICE DENNIS KIZITO MAGARE
JUDGE OF THE HIGH COURT, MOMBASA**

In the presence of:

.....for the applicant

Beatrice Wangeci - Court Assistant.

