



REPUBLIC OF KENYA



KENYA LAW
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**In re WJN (A Child) (Adoption Cause E008 of 2023)
[2023] KEHC 21985 (KLR) (25 August 2023) (Judgment)**

Neutral citation: [2023] KEHC 21985 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E008 OF 2023**

**A MSHILA, J
AUGUST 25, 2023**

IN THE MATTER OF

SNK 1ST APPLICANT

SNN 2ND APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 25th day of February, 2023 and is premised under the provisions of sections 183, 184, 185, 186, 188 and 193 and all other enabling provisions of the *Children's Act* 2022. The Applicants seek the following Orders;
 - a. That HWM be appointed as guardian ad litem of BabyWJN;
 - b. That the Applicants SNK and SNN be authorized to legally adopt WJN who will be known as WJN;
 - a. FNN be appointed as next of kin and legal guardian to WJN;
 - b. The Registrar General do make the appropriate entry of WJN in the Adopted Children's Register.
2. The application was supported by a joint statement and affidavit made by the applicants; The Guardian Ad Litem HWM was appointed on the March 15, 2023; This court directed the Director of Children's Services and the Guardian Ad Litem to conduct a home visit and do investigations and to file their Reports on the suitability of the Applicants.
3. After visiting and interrogating the applicants the Nairobi County Children's Office and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt WJN; the reports were duly filed in court and are dated April 25, 2023 and May 4, 2023 respectively; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.



4. The child WJN who is male was born on November 2, 2005; his biological parents are JKN and JGG who are casual labourers and claim to be financially incapable of providing for the child's basic needs thereby rendering him to be a child in need of care and protection; JKN is a younger brother of the second applicant and together with his wife have offered up the child for kinship adoption by the child's aunt and uncle; both parents have signed the Certificate of Acknowledgement and Consent dated January 16, 2023.
5. 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; WJN was declared free for adoption under section 156(1) of the *Children's Act* and on the 31/01/2023 a Certificate Serial Number XXXX was issued by the Little Angels Network; the Applicants are Kenyan citizens and they solemnized their marriage on 30th June, 2007 at Pelham, New Hampshire 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 SNK was aged 73 years whereas SNN was aged 61 years and this court has taken note that the age of the first applicant does not fall within the prescribed legal parameters; The Applicants have one biological child of their own who is aged 38 years and he has consented to the adoption in writing; both applicants are farmers and also carry on business and have produced into court copies of Title documents and Bank Statements to prove their financial capability to support WJN when they assume responsibility of his upbringing.
6. 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 Applicants or any individual characteristics or lifestyle that would be detrimental to the child;
7. It is noted that the consent of the proposed Legal Guardian has been duly filed.
8. Despite the one shortfall being the age of SNK this court has noted that the child has lived with the Applicants since the year 2018 and as reported in the Guardian ad Litem's report that despite his age the Applicant has through the years developed a very healthy relationship with the child; WJN being a child over 14 years as required by law has acknowledged and consented in writing to the adoption; the child appeared online and the court had the opportunity to interrogate him and took note of his happy demeanor; also upon perusal of his report cards the court noted his performance in school was exceptionally good which connotes stability;
9. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt Baby WJN and it is satisfied that the order for adoption will be in the best interest of the child.

Findings & Determination

10. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
11. The Applicants are hereby authorized to adopt baby WJN he shall be known as WJN.
12. The Registrar General is hereby directed to enter this adoption order of WJN in the Adopted Children's Register; the Registrar Births and Deaths is hereby directed to issue a Certificate of Birth in the name WJN .
13. The Guardian Ad Litem HWM is hereby discharged and FNN be and is hereby appointed to stand in as next of kin and legal guardian to WJN until the minor attains the age of majority of eighteen (18) years.



14. The child WJN shall not to be taken out of the court's jurisdiction without leave of this court.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 25TH DAY OF AUGUST, 2023.

HON.A. MSHILA

JUDGE

In the presence of;

Mwenda – Court Assistant

Wamuyu – for Applicants

