



REPUBLIC OF KENYA



**In re LNN alias LNNR (Child) (Adoption Cause E022 of 2022)  
[2022] KEHC 12037 (KLR) (Family) (28 July 2022) (Judgment)**

Neutral citation: [2022] KEHC 12037 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E022 OF 2022**

**AO MUCHELULE, J**

**JULY 28, 2022**

**IN THE MATTER OF THE CHILDREN ACT, 2001**

**AND**

**IN THE MATTER OF CHILD LNN ALIAS LNNR.**

**IN THE MATTER OF AN APPLICATION FOR ADOPTION BY**

**MNN.....APPLICANT**

**JUDGMENT**

1. The applicant MNN is a Kenyan citizen aged 61 years. She is a lecturer employed at [particulars withheld]. She is a widow with one child aged 39 years. She is also in the process of adopting child GW, who is her niece, vide Adoption Cause No. E023 of 2022. On the 7<sup>th</sup> March 2022 she applied to be allowed to adopt child LNN alias LNNR.
2. This is a kinship adoption. The applicant is the maternal aunt to child LNN alias LNNR who was born on the 27<sup>th</sup> November 2007 as evidenced in his certificate of birth. He was born to his biological parents LWK and DNN. They abandoned him to the care and protection of his maternal grandmother TWN. Upon extensive family discussions, it was agreed that the child be adopted by the applicant. On 19<sup>th</sup> January 2022 the child was declared free for adoption by Kenya Children's Homes Adoption Society under Certificate No. xxxx.
3. On 28<sup>th</sup> April 2022 the court appointed PSK as the guardian ad litem and ordered her and the Director of Children Services to separately carry out a social inquiry on the applicant to determine her suitability to adopt the child. The two reports were filed. Both recommended the applicant to be allowed to adopt the child. The reports found that the applicant was socially, emotionally and financially stable and suitable to adopt the child. It was also found that the child had bonded well with the applicant. The maternal grandmother, has consented to this adoption.



4. Section 158 (2) (b) of the *Children Act* prohibits a sole female applicant from adopting a male child. However, under section 158(1)(b) it is noted that the applicant is a relative of the child and secondly, the applicant is also in the process of adopting her niece as well.
5. The court finds that it is in the best interest of the child to be adopted by the applicant. The applicant has demonstrated her capability to provide a conducive home and family environment in which the child will grow and develop. She will assume all parental rights and obligations of the biological parents of the child once adopted, and shall treat him as if he was born to her. She has been made aware that once the adoption order is made, it shall be final and binding during the lifetime of the child. The child shall have the right to inherit her property. The applicant shall not be able to give up the child owing to any subsequent unforeseen behaviour or other changes in the child. The consent of the mother and spouse have been provided.
6. Having been satisfied that all the legal requirements for a local adoption under the *Children Act* have been met, the following orders shall issue:-
  - a. the applicant MNN is hereby allowed to adopt Child LNN alias LNNR;
  - b. Child LNN alias LNNR shall henceforth be known as LNNR and his date of birth shall be 27<sup>th</sup> November 2007;
  - c. the child is Kenyan having been born to Kenyan parents in Kenya;
  - d. PWN is hereby appointed as the child's legal guardian in the event of the death or incapacity of the applicant before he is of full age and fully self-reliant;
  - e. the Registrar-General is directed to enter this adoption in the Adopted Children Register; and
  - f. the guardian *ad litem* is hereby discharged.

**DATED AND DELIVERED AT NAIROBI THIS 28<sup>TH</sup> DAY OF JULY 2022.**

**A.O. MUCHELULE**

**JUDGE**

