



**In re TNN (Adoption Cause E010 of 2022)  
[2022] KEHC 16492 (KLR) (20 December 2022) (Judgment)**

Neutral citation: [2022] KEHC 16492 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E010 OF 2022  
RB NGETICH, J  
DECEMBER 20, 2022  
IN THE MATTER OF ADOPTION OF TNN**

**IN THE MATTER OF**

**HAJDG ..... 1<sup>ST</sup> APPLICANT  
GWN ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The applicants filed originating summons dated April 5, 2022 seeking the following orders: -
  - a. That the applicants be authorized to adopt TNN to be known as TN D G.
  - b. That MWN be appointed as the legal guardian of the minor in the event of death or incapacity of the applicants before he is of full age and fully self-reliant.
  - c. That the registrar general be directed to enter an entry recording the adoption in the Adopted Childrens Register.
  - d. That the court be pleased to make any further orders it deems necessary.
2. The application is supported by the joint statement of the applicants. They averred that the biological parents of the minor are GWN who is the 2<sup>nd</sup> applicant herein and SKN. That the consent of the biological father has been obtained and he consents to the minor being adopted by the 1<sup>st</sup> applicant.
3. The 2<sup>nd</sup> applicant has been in the legal custody of the minor as per the court order issued in Nairobi Children's Case No 158 of 2015. The biological father has never taken any parental responsibility for the minor.
4. The applicants disposed that they married on December 27, 2014 and attached a copy of the marriage certificate. They further stated that they have never been involved in any criminal offences and attached certificates of good conduct.



5. The reports filed by the guardian *ad litem* on October 26, 2022 and the Sub- County Children’s Officer on October 27, 2022 recommend the applicants to adopt the minor. The two reports indicate that the applicants are financially, physically and emotionally stable and able to provide and protect the minor. The minor has bonded well with the 1<sup>st</sup> applicant whom he recognizes as a father.
6. During the oral hearing the minor informed the court he is sixteen (16) years old, he has known the 1<sup>st</sup> applicant since he was born. He was positive about the idea of the 1<sup>st</sup> applicant adopting him and stated that he gets along nicely with the 1<sup>st</sup> applicant.
7. The 2<sup>nd</sup> applicant informed the court that she is the biological mother of the minor; she has known the 1<sup>st</sup> applicant for sixteen (16) years.
8. In deciding on matters involving children, the best interest of the child is paramount as per section 8(1) (a) of the *Children’s Act* which provide as follows: -
  - (1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies,
  - (2) The best interest of the child shall be a primary consideration”
9. I take note of the fact that the 2<sup>nd</sup> applicant is the biological mother of the minor herein. She has been married to the 1<sup>st</sup> applicant for 16 years. The 2<sup>nd</sup> applicant informed the court that she was expecting the child herein when she got married to the 1<sup>st</sup> applicant. The biological father consented to the child being adopted by the 2<sup>nd</sup> applicant who has been taking care since birth. The 1<sup>st</sup> applicant is a [Particulars Withheld] but working in Kenya. The 2<sup>nd</sup> applicant is a Kenyan citizen.
10. When interviewed by the court, the minor who is sixteen (16) years old confirmed that he is agreeable to being adopted by the 2<sup>nd</sup> applicant and wishes to adopt his name D G. From the reports filed and evidence adduced in court, I am satisfied that the applicants have met the requirements for the adoption as per the law.
11. From the foregoing, I find that it is in the best interest of the child to allow the 2<sup>nd</sup> applicant to adopt the child and together with 1<sup>st</sup> applicant be parents of the child.
12. Final orders: -
  1. The applicants HA J D G and GWN are authorized to adopt the child known as TNN.
  2. Henceforth the child be called TN D G.
  3. MWN is appointed as the legal guardian.
  4. The registrar general is directed to make the relevant entry in the Adopted Children’s Register.

**JUDGMENT DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 20TH DAY OF DECEMBER, 2022.**

.....  
**RACHEL NGETICH**  
**JUDGE**

**In the presence of:**

Martin – court assistant



Mr Kamenju for applicants

1st applicant – present

