



**In re SN (Baby) (Adoption Cause E013 of 2023)
[2025] KEHC 123 (KLR) (15 January 2025) (Judgment)**

Neutral citation: [2025] KEHC 123 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E013 OF 2023**

A MSHILA, J

JANUARY 15, 2025

IN THE MATTER OF THE CHILDREN’S ACT

AND

IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER OF BABY SN

IN THE MATTER OF

SNK 1ST APPLICANT

FWG 2ND APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 30th March, 2023; and is premised under the provisions of Sections 183, 184,185,186,188,193,194 and 200 of the [Children’s Act](#) 2022; Section 24 of the [Interpretation and General Provisions Act](#) and all Enabling provisions of the Law. The Applicants seek the following Orders;
2. That the Applicants SNK and FWG be authorized to legally adopt Baby SN who will be known as SNN.
3. That JMM and SWG be appointed as Guardians Ad Litem of SNN.
4. The Registrar General do make the appropriate entry of SNN in the Adopted Children’s Register.
5. The application was supported by a joint statements and Affidavits made by the Applicants SNK and FWG. The Guardians Ad Litem JMM and SWG were appointed on the 15th November, 2023, this court directed the Director of Children’s Services and the Guardians Ad Litem to carry out home visits and do investigations and to file their respective Reports.



6. After visiting and interrogating the Applicants, the Thika Sub-County Children's Office and the Guardians Ad Litem filed their respective Reports on the Applicants suitability to adopt Baby SN the reports were duly filed in court and are dated 17th January, 2024 and 16th February, 2024.
7. Baby SN who is female was born on 28th December, 2015 was born to SNW (Deceased) at Kalimoni Mission Hospital. The Late S, the child's mother had a difficult pregnancy and passed on after delivery as evidenced by Death Certificate Number 036XXXX; SNW was unmarried and never disclosed details of the child's biological father. S had named her cousin FWG as her next of kin and had entrusted her to take care of Baby SN in case of any eventuality. F is the Auntie to Baby SN and the only surviving grandparent to the Baby one JWG has granted her consent to the Applicants adoption application.
8. The Applicants sought Kinship Legal Guardianship of Baby SN through Buckner Kenya Adoption Services; under the Protection and Care Case No.131 of 2018 the Children's Court sitting at Nairobi Baby SN was formally committed vide Order issued on 9/11/2018 to the Applicants for care and protection; On the 4/11/2022 she was declared free for adoption under Section 194 of the *Children's Act* 2022 and a Certificate Serial Number 06XXXX was issued by Buckner Kenya Adoption Services.
9. After reading and taking into consideration the contents of these Reports this court notes that the Applicants are both Kenyan citizens; they solemnized their marriage under customary law in Kiambu on 11/01/2028 as evidenced by the copy of the attached Certificate of Marriage Serial No.298XXXX; at the time of filing this application the prospective adoptive parents SNK and FWG were aged 40 years and 38 years respectively.
10. On the issue of the age of the prospective adoptive parents the applicable law is found at Section 186 (2) (b) of the new *Childrens' Act*, 2022 and it reads as follows;
 - (2) The court shall not make an adoption order in any case unless -
 - (b) the applicant or both of the applicants in a joint application is more than twenty- one years older than the child
11. This then means that both their ages fall within the prescribed legal parameters.
12. The Applicants have one biological children of their own named SN born on 7/01/2017.
13. SNK is employed by African Plant Nutrition Institute (APNI) as a Researcher whereas FWG is a business woman; the Applicants have produced into court copies of their Bank Statements to prove their financial capability to support and raise Baby SN when they assume responsibility of her upbringing.
14. The Certificates of Good Conduct are 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 Baby SN.
15. It is noted that this is was a case of kinship adoption and the maternal biological grandmother JWG has willingly consented to giving up of the child for adoption. The applicable law is found at Section 186 (8) which reads as follows;

‘Subject to the provisions of this section an application for an adoption order in respect of a child shall be accompanied by written consents of the following persons;

 - a. A parent or guardian of the child, or any person who is liable by virtue of any order of agreement to contribute to the maintenance of the child.’”



16. The child who is aged Ten (10) years has consented to the adoption vide her letter dated 30/12/2024.
17. This court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders sought to be granted.

Findings & Determination

18. For the forgoing reasons this court finds that the application for kinship adoption is in the best interest of the child and it is hereby allowed.
19. The Applicants be and are hereby authorized to adopt Baby SN. She shall be known as SNN.
20. The Registrar General be and is hereby directed to enter this adoption order of SNN in the Adopted Children's Register.
21. JMM and SWG be and are hereby appointed to stand in as legal guardians to Baby SNN until the child attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 15TH DAY OF JANUARY, 2025.

HON. A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

No appearance by Applicants

