



**In re Adoption of Minor SJO (A Child) (Adoption Cause  
E003 of 2024) [2025] KEHC 2302 (KLR) (14 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 2302 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
ADOPTION CAUSE E003 OF 2024  
RN NYAKUNDI, J  
FEBRUARY 14, 2025**

**IN THE MATTER OF THE CHILDREN'S ACT  
IN THE MATTER OF AN APPLICATION FOR  
ADOPTION BY JTS AND AMK (APPLICANTS)  
FOR THE ADOPTION OF MINOR SJO (A CHILD)**

**IN THE MATTER OF**

**JTS ..... 1<sup>ST</sup> APPLICANT  
AMK ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. The Originating Summons before me is dated 11<sup>th</sup> June, 2024 and filed in court on 14<sup>th</sup> June, 2024. It is expressed to be brought under Rule 7(1) of the Children (Adoption Proceedings) Regulations, 2023, Section 183(1), (2) and 4(b), Section 188(1) of the Children's Act, 2022 and Section 3A of the [Civil Procedure Act](#). The Applicants are JTS and AMK ("Applicants"). It seeks orders:
  - a. Spent
  - b. That pending the granting of prayers (4) and (5) herein BMN be appointed Guardian ad Litem in respect of SJO.
  - c. That the Children's officer, directorate of children's services, Uasin Gishu County, Kapsaret sub-county be required to file a report within 30 days from the date of filing this application on the propriety of making an order in respect of the applicants.
  - d. That the applicants JTS and AMK be authorized to adopt SJO and the child shall be called EKS
  - e. That the Registrar General shall make an entry of the adoption order herein in the adopted children register in the prescribed form.



- f. That the court do issue such further orders as it may deem fit in the interest of the children.
2. The Summons is supported by a joint statement and affidavit by the Applicants. The summons is further supported by grounds that:
  - a. That the minor was given up for adoption by her biological parents “C” and “COJ” on the 13<sup>th</sup> of April, 2023, through Little Angels Adoption Society, thereafter the child found placement at Springs of Life Children’s Home.
  - b. That the minor was committed to the Springs of Life Children’s Home on the 13<sup>th</sup> of April, 2023 through a committal order issued on the 29<sup>th</sup> May, 2023 by the Principal Magistrate Court at Vihiga C&P [021/2023](#).
  - c. That since no claim was made for the minor, the applicants expressed interest and formally started the adoption procedure.
  - d. That, the committee at Little Angels Network sat on the 5<sup>th</sup> of July, 2023 and after a thorough scrutiny of paper work and circumstances therein and having being satisfied declared the minor free for adoption.
  - e. That the adoption society saw it fit and in the best interest of the child to place the minor under foster care of the applicants on the 31<sup>st</sup> of July, 2023 who are willing to educate, nurture and provide a conducive environment.
  - f. That no previous application has been made relating to the adoption of the minor.
3. To establish the suitability of the applicants herein for purposes of adoption, the County co-ordinator children services filed a report on 22<sup>nd</sup> October, 2024 with positive findings.
4. It was established that the guardians are a couple and have been blessed with a daughter. The report indicated that they are willing and are capable of raising a minor since they have a source of income. The mother is working as a medical doctor while the father is a IT consultant. It was further established that the guardians live in a 3-bedroom house. That the house is spacious enough to accommodate a new member of the family.
5. The report also indicated that the guardians have an understanding of how it works through the explanation of social workers of little angels Kisumu. They also confirmed not to shy away from the real identity of the minor when the minor gets of age to get to know the real identity he will be told.
6. The report recommended that the minor is fit for adoption to the guardians he was given to be part of his family. The officer was also able to establish tat the minor is living in a child friendly environment and has all the attention, love that a minor requires while growing up. The minor will also benefit from the medical cover of the guardians once they are given the adoption order. The children’s department recommended that both guardians be given orders for adoption of the minor.
7. In this case both biological parents of the minor are alive. They have both given their consent to the adoption vide the signed consents dated 8<sup>th</sup> April, 2023

## Decision

8. The primary consideration in an adoption Application is whether the Applicants have fulfilled all the pre-requisites to be granted the Adoption Orders. These are mainly found in Sections 158 and 163 of the [Children Act](#). I have now carefully read all the documents filed in the case. I have confirmed that



all the reports and consents needed are on record. The minor is free for adoption and Little Angels Network; an authorized adoption society has issued a report to that effect.

9. Based on a comprehensive assessment of all submitted documentation, with particular emphasis on the detailed report from the County Children Services Coordinator, there exists compelling justification for the issuance of the Adoption Orders. The professional consensus unequivocally supports this determination, affirming that such orders would optimally serve the minor's interests. The Applicants have meticulously satisfied every qualifying requirement as stipulated under Section 158 of the Children Act, while demonstrating a profound appreciation for both the gravity and permanence of the adoption process. After careful deliberation of all material considerations and the persuasive professional recommendations before me, I am firmly convinced that granting these Adoption Orders is both warranted and vital to safeguard the minor's ongoing welfare and developmental interests.
10. It is on the strength of the compelling evidence before me, buttressed by a careful examination of all presented documentation, that I have arrived at the firm conviction that the Applicants exemplify the essential qualities requisite for adoptive parenthood. They have demonstrated, beyond doubt, both the fundamental capacity and unwavering dedication necessary to furnish the minor with a nurturing home environment and attentive parental care. Consequent upon these findings, I hereby accede to the prayers articulated in the Originating Summons, and accordingly issue the following orders:
  - a. That the Applicants be and are hereby authorized to adopt SJO the child shall be known as EKS henceforth.
  - b. That EKS be and is hereby presumed to be a Kenyan citizen having been born in Kenya at the time of his birth.
  - c. That the Registrar-General do make appropriate entries in the adopted children's register in respect of the minor, EKS.
  - d. That the Registrar of Births and Deaths be and is hereby directed to issue the child with a certificate of birth in the name, EKS.
  - e. That JTS and AMK be and are hereby appointed Legal Guardians to the minor herein.
  - f. That the Guardian ad Litem is discharged.
11. Orders accordingly.

**DATED AND DELIVERED VIA CTS AT ELDORET THIS 14<sup>TH</sup> DAY OF FEBRUARY 2025**

**R. NYAKUNDI**

**JUDGE**

