



REPUBLIC OF KENYA



KENYA LAW
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**In re GM (Adoption Cause E211 of 2024)
[2025] KEHC 3223 (KLR) (Family) (13 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3223 (KLR)

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

FAMILY

ADOPTION CAUSE E211 OF 2024

SN RIECHI, J

FEBRUARY 13, 2025

IN THE MATTER OF KINSHIP ADOPTION OF GM

IN THE MATTER OF

DAO APPLICANT

JUDGMENT

1. The Applicant, DAO is a single applicant. The applicant is a Kenyan citizen aged 44 years old as evidenced by a copy of her national identification card number 220XXX75 attached to the summons.
2. The applicant wishes to adopt a child known as GM who is 14 years old as evidence by a copy of a birth certificate number 0491XXXX19 attached to the application. From the court record this court finds applicant is an aunt to the child.
3. From the pleadings, the court finds that the applicant is a Trade Facilitation Expert and Lecturer currently employed by [particulars withheld]. The applicant resides in Kileleshwa within Nairobi County. She professes Christian faith.
4. The evidence on record indicates that child in this matter was born in Mbita Township on 05/11/2012 to DAO and DOO. She lived with her parents until they passed on.
5. From evidence on record this court finds that a letter from Mr. Daniel Owuor, Chief Mbita Sub-County dated 08/07/2024 confirms that the child in this matter and her brother are orphaned after the passing of their parents as evidenced by a copy of a death certificate entry number 0782XXXX03 attached to the summons that confirms DA passed on 21/03/2020 due to pneumocystis carinis pneumonia.
6. The evidence on record indicates that after the death of the child's mother, the child resided with her paternal aunt in Kayole. During this time, the Applicant sent money for her upkeep. Since 22/05/2023, the child has been living with the Applicant.



7. The applicant stated that after she started living with the child herein, the Applicant sought legal guardianship through the Children's Court at Nairobi *vide* case number *MCCHCC/E1627/2023*. On 26/01/2024, Hon. Elizabeth Muiru (Principal Magistrate), granted the Applicant sole legal custody of the child herein and her brother who is subject in *HCFADOP/E212/2024* as evidenced by a copy of committal order attached to the application.
8. The evidence on record indicates that the subject minor and her brother continue to reside with the Applicant to date. Dr. MJDO of ID number 16XXX55, a maternal grandfather, wrote a letter of consent for the adoption of both the children in this matter and the one in *HCFADOP/E212/2024*
9. Prior to the hearing of the adoption application, KKPI Adoption Society prepared and filed a report dated 31.7.2023 .They also issued a Certificate Serial 9X9 declaring the child free for adoption as evidenced by the copies of report and certificate declaring a child free for Adoption attached to the application.
10. The guardian ad litem Ms. DM filed a report dated 31st January 2025 which was favourable and recommended the adoption of the child by the Applicant.
11. Mr. Ezekiel Kimani an assistant Director from the office of Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 20th January,2025 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant and that the Applicant has fulfilled the statutory requirements.
12. The legal guardian FAM consented to be appointed as legal guardian and she filed a letter of consent dated 23rd September,2024 attached to the application.
13. From evidence on record the applicant is physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of her Medical reports attached to the application.
14. The applicants is financially stable and she is therefore able to provide fully for the child's need as evidence by copies of her financial documents attached to the application.
15. The applicant stated that she has no previous criminal record and no pending criminal prosecution as evidenced by her r police clearance certificate attached to the application.
16. This is a Kinship adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of biological parents was dispensed with since they are both deceased.
17. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of the [Constitution](#) and Section 8 the [Children's Act,2022](#). I find that it is in the best interest of the child to be adopted by the Applicant. I therefore allow the prayers sought in the originating Summons dated 23rd September,2024 and Order as follows:
 - i. The Applicant DAO is hereby allowed to adopt GM
 - ii. The child shall henceforth be known as GMGA.
 - iii. FAM is hereby appointed the legal guardian of the child.
 - iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
 - v. The guardian ad litem is hereby discharged.



DATED AT NAIROBI THIS 13TH DAY OF FEBRUARY 2025.

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S. N. RIECHI

JUDGE

