



**In re Kinship Adoption of HB (Adoption Cause E212 of 2024)
[2025] KEHC 1464 (KLR) (Children's) (13 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 1464 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CHILDREN'S
ADOPTION CAUSE E212 OF 2024
SN RIECHI, J
FEBRUARY 13, 2025
IN THE MATTER OF KINSHIP ADOPTION OF HB**

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 HB who is 14 years old as evidenced by a copy of a birth certificate number 0491XXXX18 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 Waware South on 2nd September 2010 to DAO and DOO. He lived with his 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 his sister 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. The evidence on record indicates that after the death of the child's mother, the child resided with in a child headed household in Seme Sub County with his paternal cousins.
6. The evidence on record indicates the applicant started living with the sister of the child herein on 22.05.2023. The applicant applied for legal guardianship 6of both children in this matter and his sister



on 22nd September 2023 through the Children's Court at Nairobi vide case number MCCHCC/E1627/2023.

7. On 26/01/2024, Hon. Elizabeth Muiru (Principal Magistrate), granted the Applicant sole legal custody of the child herein and his sister 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 his sister 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 the child in this matter and the one in HCFADOP/E211/2024
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 DKM 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.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.
15. 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.
16. 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 HB
 - ii. The child shall henceforth be known as HBCM.
 - 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

