



REPUBLIC OF KENYA



KENYA LAW
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**In re HGA (Child) (Adoption Cause E006 of 2024)
[2025] KEHC 3474 (KLR) (14 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3474 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
ADOPTION CAUSE E006 OF 2024
M THANDE, J
MARCH 14, 2025
IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2001)
AND
IN THE MATTER OF HGA
AND
AN APPLICATION FOR ORDERS OF ADOPTION OF HGA BY**

JUDGMENT

1. By the Originating Summons dated 18.7.24, FNS and his wife BMG seek to adopt a child known as HGA. The child was born on 30.9.18 at Kibera South as indicated in notification of birth, serial No. 6638326. The child was born to HG and his girlfriend CKN. The child's biological parents offered the child for adoption as they were not able to take care of him due to poverty and unemployment. On 8.10.18, they signed a consent to give up the child for adoption as well as the certificate of acknowledgement confirming that they has understood the explanatory memorandum relating to the adoption.
2. A place was secured for the child at the Nest Children's Home on 8.10.18 for temporary care and protection pending committal. The child was subsequently formally committed to the same Home for a period of 3 years by Children's Court at Nairobi vide Protection and Care Case Number 145 of 2019. Pursuant to Section 156 of the *Children Act*, the child was on 28.2.19 declared child free for adoption by Little Angels Network vide certificate serial no. 002071
3. The Applicants were assessed by Little Angels Network, a registered adoption society and taken through the adoption process and its implications. They were found to have met all the requisite legal and social requirements. The society's case committee sitting on 10.12.18 found the Applicants fit to adopt a child. The child was placed with the applicants for mandatory bonding period prior to adoption on 17.5.19. There is a duly signed foster care agreement on record to that effect.



4. By an order of this Court of 12.11.24, FGM was appointed as guardian ad litem for the child pending the hearing and determination of the adoption application, in accordance with Section 188 of the Children Act.
5. Reports in respect of the assessment of the Applicants have been filed as required. The report of Little Angels Network which arranged the adoption of the child is on record. Winifred Kambua Kaluku, the Kilifi County Coordinator, Children Services filed a report dated 11.11.24. On his part, FGM filed his report dated 30.10.24. All these reports are positive and recommend that adoption.
6. It is noted that the child has been in continuous care and control of the Applicants for a period of about 6 years which is more than the statutory 3 months' period required under Section 185(2)(a) of the Act. The Applicants are not below the age of 25 years, nor are they older than 65 years. Both are more than 21 years older than the child. Section 186(2) of the Act has thus been complied with. The Applicants confirmed that they have been made aware of the consequences of an adoption order as well as the rights of an adopted child. They shall assume all parental rights and duties of the biological parents in respect of the child. I am satisfied that the Applicants fully understand that the adoption order is final and binding during the lifetime of the child and cannot under any circumstances give up the child. The child shall also have the right to inherit the Applicants' property. From the aforesaid reports the Court is further satisfied that the Applicants have the financial resources, social and emotional capability to bring up the child.
7. The Applicants have nominated SMG to be the legal guardian of the child, in the event of the Applicants dying or becoming incapacitated before the child is of full age. Her consent dated 18.7.24 is on record.
8. Having taken into account the foregoing factors, this Court has formed the opinion that it would be in the best interests of the child that he be adopted by the Applicants. The Court is further satisfied that all the legal requirements for a local adoption have been met and makes the following Orders as prayed in the Originating Summons herein:
 - a. The Applicants FNS holder of national identity card number 5033843 and his wife BMG holder of national identity card number 21226069 are hereby allowed to adopt HGA who shall henceforth be known as EMN.
 - b. I direct the Registrar General to enter this order in the Adopted Children Register.
 - c. SMG is hereby appointed the legal guardian of the child, in the event of the Applicants dying or becoming incapacitated before the child is of full age.
 - d. The appointment of FGM, the guardian *ad litem* now stands expired.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 14TH DAY OF MARCH 2025

M. THANDE

JUDGE

