



**In re Baby LKO (A Child) (Adoption Cause E001 of 2024)
[2025] KEHC 4367 (KLR) (4 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 4367 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MANDERA
ADOPTION CAUSE E001 OF 2024**

A MSHILA, J

APRIL 4, 2025

IN THE MATTER OF

CM 1ST APPLICANT

CA 2ND APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 20th February, 2024 and is premised under the provisions of Sections 34 and 35 of the Children’s Act; and Section 24 of the *Interpretation and General Provisions Act* (Chapter 2 Laws of Kenya). The Applicants seek the following Orders;
 - a. That the Applicants CMOM AndCAO be authorized to legally adopt LKO who will be known as LOM;
 - b. That VMO be appointed as Guardian Ad Litem of LKO; and legal guardian and next of kin to LKO.
 - c. The Registrar General be directed to make the appropriate entry of LKOM in the Adopted Children’s Register.
 - d. The Court be pleased to make any further orders it deems necessary.
2. The application was supported by a joint statement and Affidavit made by the Applicants; The Guardian Ad Litem VMO was appointed on the 29th October, 2024; This Court directed the Director of Children’s Services and the Guardian Ad Litem to carry out a home visit and do investigations and to file their respective Reports.
3. After visiting and interrogating the Applicants the Kiambu County Children’s Service Officer and the Guardian Ad Litem filed their respective Reports on the Applicants suitability to adopt LKO the



reports were duly filed in court and are dated 6th February, 2025 and 12th February, 2025; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.

4. The child LKO who is male was born on 31/05/2016; he was born to a single parent and his mother EMO was a sister to the 1st Applicant CMOM; E the mother of the child died on the 4/11/2020 and the whereabouts of the father are not known making the child a partial orphan; the child was thereafter taken in by the Applicants and resided with them and was under their care; vide the Childrens Case No.E045 of 2023 the Children's Court sitting at Ogembo formally by an Order issued on 12/10/2023 appointed the 1st Applicant as the legal guardian for LKO; On the 16/11/2022 the child was declared free for adoption under Section 194 of the Children's Act 2022 and a Certificate Serial Number xxx was issued by KKPI Adoption Society.
5. After reading and taking into consideration the contents of these Reports this court was satisfied that all the legal requirements had been adhered to notably; the Applicants are Kenyan citizens and they celebrated their marriage on 5/08/2016 at Citam Thika Road which is evidenced by the Certificate of Marriage No. xxxx; at the time of filing this application the prospective adoptive parents CMOM was aged 39 years and CAO was aged 34 years and therefore both their ages fall within the prescribed legal parameters; CMOM and CAO are self-employed as interpreters and run a business together known as Conference World Limited; the Applicants have produced into court copies of their Title documents and Bank Statements to prove their financial capability to support LKO when they assume responsibility for his upbringing.
6. 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 lifestyles that would be detrimental to the child;
7. It is noted that this is was a case of kinship adoption and efforts to trace his biological father has borne no fruits as no one has come forward to claim the child; this court has accordingly dispensed with the consent of the biological father;
8. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt LKO and the Court is further satisfied that the order for adoption will be in the best interest of the child.
9. LKO being a child of Eight (8) years as required by law has acceded in writing to the adoption vide his undated letter duly filed in court; the child appeared online and the court had the opportunity to interrogate him and took note of his pleasant and happy demeanor;
10. For the reasons stated above this court is satisfied that the Applicants have fulfilled all the pre-requisites for adoption orders and are found to be suitable persons to adopt LKO and it is satisfied that the order for adoption will be in the best interest of the child.

Findings & Determination

11. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
12. The Applicants CMOM and CAO be and are hereby authorized to adopt LKO he shall be known as LKOM.
13. The Registrar General be and is hereby directed to enter this adoption order of LKOM in the Adopted Children's Register; the Registrar Births and Deaths be and is hereby directed to issue a Certificate of Birth in the name LKOM;



14. The Guardian Ad Litem VMO is hereby discharged and is hereby appointed to stand in as next of kin and legal guardian to LKOM and until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 4th DAY OF APRIL, 2025.

A. MSHILA

JUDGE

In the presence of;

Julie – Court Assistant

Applicants – present in person

