



REPUBLIC OF KENYA



KENYA LAW
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**In re Adoption of HM (Adoption Cause E004 of 2024)
[2025] KEHC 5832 (KLR) (9 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 5832 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
ADOPTION CAUSE E004 OF 2024**

M THANDE, J

MAY 9, 2025

IN THE MATTER OF

DMA APPLICANT

JUDGMENT

1. HM the child herein was born on 10.9.12 to Ferdnard Mranja Angore and Caroline Mbucho Tangai. The child's mother died on 29.11.2020. The child's father is 72 years old and suffering from poor eyesight. Since the demise of his wife, he has been unable to take care of the child. The Applicant, Dennis Mbitha Angore the elder brother of the child, stepped in and has been assisting their father in caring for the child. The Applicant lives and works as an air cargo agent in Germany and now wishes to assume all parental responsibility over the minor including providing love, affection and all basic needs. His father and siblings agreed that the child be adopted by the Applicant.
2. To this end, the Applicant has moved this Court by his Originating Summons dated 20.5.24, seeking to adopt the child.
3. This is a kinship adoption as the Applicant is the elder brother of the child. Kenya Children's Home Adoption Society, the registered adoption society which arranged the adoption declared the child free for adoption on 17.1.24 vide certificate serial no. 955.
4. To facilitate this adoption, the Applicant was assessed by Kenya Children's Home and taken through the adoption process and its implications. The Society filed its report on 6.2.25 recommending the adoption of the child by the Applicant.
5. By an Order of 11.2.25, this Court appointed Anderson Nyamwawi Mwabuni as the guardian ad litem for the child pending the hearing and determination of the adoption application in accordance with Section 188 of the *Children Act*. The guardian ad litem filed his report dated 18.3.25.
6. On her part, Winfred Kambua Kaluku, Kilifi County Coordinator Children Services, filed her report dated 28.2.25.



7. All these reports are favourable and recommend the proposed adoption.
8. The Applicant is married to Maria Angore and together have 1 child. Her consent to the adoption dated 20.5.24 is on record. The Applicant has been made aware of the consequences of an adoption order as well as the rights of an adopted child. He shall assume all parental rights and duties over the child. I am satisfied that he fully understands that the adoption order is final and binding during the lifetime of the child and that he cannot under any circumstances give up the child. The Applicant also understands that the child shall have the right to inherit his property alongside his biological child. The Applicant has demonstrated that he has the psychological and emotional capacity as well as the material resources to raise the child in a loving home environment.
9. Ferdnard Mranja Angore swore an affidavit on 5.1.24, consenting to the adoption. At the hearing, he confirmed to the Court his willingness to have the child adopted by the Applicant.
10. The child is 13 years old having been born on 10.9.12. Accordingly, being above the age of 10 years, his consent to be adopted is required under Section 186(8)(c) of the Act. The child signed his consent dated 23.9.23, which is on record. At the hearing, the child informed the Court that he wished to be adopted by the Applicant.
11. The Applicant is a sole male applicant. Section 186(4) of the Act provides that “The Court shall not make an adoption order in favour of a sole male applicant, unless the applicant is a blood relative of the child. The documents availed to the Court and the evidence of the Applicant, the child and their father demonstrated that the Applicant is an elder brother to the child. Accordingly, there is no hinderance for the grant of the orders sought, in spite of the Applicant being a sole male applicant.
12. After a careful assessment of the reports filed and the circumstances herein, this Court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicant, who will provide a home and a family for the child to belong to, through which he will become a useful member of the society at large.
13. Accordingly, the Court makes the following Orders as prayed in the Originating Summons:
 - a. The Applicant Dennis Mbitha Angore holder of national identity card number 3018XX37 is hereby allowed to adopt the Harrison Mranja.
 - b. I direct the Registrar General to enter this order in the Adoption Register.
 - c. The appointment of Anderson Nyamawi Mwabuni, the guardian *ad litem* now stands expired.

DATED, SIGNED AND DELIVERED IN MALINDI THIS 9TH DAY OF MAY 2025

M. THANDE

JUDGE

