



REPUBLIC OF KENYA



**In re PN (A Child) (Adoption Cause E010 of 2024)  
[2025] KEHC 8910 (KLR) (20 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8910 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E010 OF 2024  
A MSHILA, J  
JUNE 20, 2025  
IN THE MATTER OF THE CHILDREN'S ACT  
AND  
IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER OF  
PN (A CHILD)**

**IN THE MATTER OF  
PWG ..... APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the 26<sup>th</sup> June, 2024; and is premised under the provisions of Sections 154, 158(1)(a) and (b), 159(4) and (6), 160(1) and (2) and 169(1) of the Children's Act 2011; and all other enabling provisions of the law; The Applicant seeks the following Orders;
  - a. That the Applicant PWG be authorized to legally adopt PN who will be known as PWW;
  - b. That RWK be appointed as Guardian Ad Litem of PN;
  - c. The Registrar General do make the appropriate entry of PN in the Adopted Children's Register.
2. The application was supported by an Affidavit made by the Applicant; The Guardian Ad Litem RWK was appointed on the 9<sup>th</sup> December, 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 Applicant the Ruiru Sub-County Children's Office and the Guardian Ad Litem filed their respective Reports PN the reports were duly filed in court and are dated 17<sup>th</sup> March, 2025 and 21/03/2025; The Report made by the Directorate of Childrens' Services found that the Applicant had not met all the pre-requisites for adoption as a Declaration Certificate freeing the child for adoption, was not availed; The Guardian Ad Litem's Report is found to be favourable to the suitability of the Applicant to adopt the child.
4. PN who is female was born on 23<sup>rd</sup> November, 2010 and is a partial orphan; she is the daughter to DNI and the late Stephen Pithon Macharia (now deceased). After the demise of her husband the mother of the child met the Applicant in 2021 and officially solemnized the union on 20/04/2024 at St.Michael Murera in Ruiru;
5. The biological parent has given up her daughter for adoption to the Applicant who will now become her adoptive parent or step-father as they both believe it is in the best interest of the child.
6. After reading and taking into consideration the contents of these Reports this court notes that the Applicant is a Kenyan citizen; the Applicant and the biological mother of the child solemnized their marriage at St. Michael Murera in Ruiru on 20/04/2024 as evidenced by the copy of the attached Certificate of Marriage Serial No. XXXXXX; at the time of filing this application the prospective adoptive parent PWG was aged 49 years and the minor is aged 13 years.
7. On the issue of the age of the prospective adoptive parent the applicable law is found at Section 186 (2) (b) of the new Childrens' Act and it reads as follows;
  - (2) The court shall not make an adoption order in any case unless -
    - (b) the applicant or both of the applicants in a joint application is more than twenty- one years older than the child
8. Therefore, the age of the Applicant falls within the prescribed legal parameters. The Applicant has three (3) biological children of his own their names and ages are set out hereunder;
  - i. JN -22 Years
  - ii. FG -19 Years
  - iii. JK – 17 Years
9. PWG is employed as a Police Officer; No copies of his pay-slips and Bank Statements to prove his financial capability to support PN when he assumes responsibility of her upbringing, were produced into Court. No current and valid Certificate of Good Conduct was produced into Court;
10. The Consent to the adoptio by the biological father of the child is dispensed with as he is deceased and this is supported by documentary evidence of a Death Certificate annexed to the application; the child's biological mother is now married to the Applicant and she has willingly offered and consented to the adoption. The applicable law is found at Section 186 (8) which reads as follows;

'Subject to the provisions of this section an application for an adoption order in respect of a child shall be accompanied by written consents of the following persons;

  - a. A parent or guardian of the child, or any person who is liable by virtue of any order of agreement to contribute to the maintenance of the child."



11. This court has perused the written consent by the biological parent dated 26/06/2024 which is a mandatory prerequisite and finds the consent to be in order. The child who is aged Thirteen (13) years has consented to the adoption vide her letter dated 10/10/2024;
12. This Court notes that the Applicant has not satisfied all the pre-requisites for adoption orders sought to be granted; the most important being declared free for adoption by any Children Agency.

### **Findings & Determination**

13. For the forgoing reasons this court finds that the application for kinship adoption is in the best interest of the child and it is hereby allowed conditional to the Applicant providing the requisite documents namely Declaration Certificate, Police Clearance Certificate and his current pay-slip.

14. Mention on .....

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 20<sup>th</sup> DAY OF JUNE, 2025.**

**A. MSHILA**

**JUDGE**

In the presence of;

Sanja – Court Assistant

Gakunju – for Applicant

