



REPUBLIC OF KENYA



In re HO (Adoption Cause E018 of 2024) [2025] KEHC 8308 (KLR) (13 June 2025) (Judgment)

Neutral citation: [2025] KEHC 8308 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E018 OF 2024
A MSHILA, J
JUNE 13, 2025
IN THE MATTER OF THE CHILDREN'S ACT
AND
IN THE MATTER OF HO

IN THE MATTER OF

HKM 1ST APPLICANT

CWW 2ND APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 4th December, 2024 and is premised under the provisions of Sections 183, 184, 185, 186, 194, 200 and 201 of the Children's Act 2022; The Applicants seek the following Orders;
 - a. That the Applicants HKM and CWW be authorized to legally adopt a minor HO;
 - b. That upon the making of the adoption orders the said child will be known as TMK
 - c. The Registrar of Births and Deaths do make the appropriate entry of TMK in the Adopted Children's Register.
 - d. That GM be appointed as Guardian Ad Litem of HO;
 - e. That AWW be appointed as the Legal Guardian of the child.
2. The application was supported by a joint Affidavit made by the Applicants; The Guardian Ad Litem GM was appointed on the 8/05/2025; This Court directed the Director of Children's Services and the Guardian Ad Litem to carry out a home visit to do investigations and to file their Reports.
3. After visiting and interrogating the Applicants the Kiambu County Coordinator Children's Services and the Guardian Ad Litem filed their respective Reports on the Applicant's suitability to adopt HO;



the reports were duly filed in court and are dated 28/04/2025 and 2/02/2025; both reports are highly favourable to the Applicants and recommend their suitability as adoptive parents.

4. The child HO. who is male is presumed to have been born on 18th November, 2017; he was rescued together with his younger sister by members of the public after they were found in the house alone; the case of abandonment was reported by a Good Samaritans to Kayole Police Station vide OB No.xx/23/12/2018; HO. was admitted on 23/12/2018 to Imani Childrens Home for temporary shelter, care and protection whilst awaiting committal; under the Protection And Care Case No.428 of 2019 the Children's Court sitting at Kiambu Law Courts HO was formally committed vide Order issued on 5/04/2019 to the aforesaid institution for protection and care; On the 19th July, 2024 he was declared free for adoption under Section 194 of the Children's Act 2022 and a Certificate Serial Number xxxx was issued by Buckner Kenya Adoption Services.
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 their union was solemnized on 30/01/2010 at [Particulars withheld]; at the time of filing this application the prospective adoptive parents HKM was aged 43 years and CWW was aged 52 years and therefore their ages fall within the prescribed legal parameters; HKM is self employed and is a businessman and a Pastor; whereas CWW is employed by the [Particulars withheld] county Government as a Senior Welfare Officer and have produced into court copies of her Pay Slip and their Bank Statements to prove their financial capability to support HO. 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 Applicants' families or any individual characteristics or lifestyle that would be detrimental to the minor;
7. It is noted that this is was a case of abandonment and efforts done through a Kenya Gazette Notice placed by Child Welfare Society of Kenya to trace his biological parents bore no fruits as no one came forward to claim the child; this court has accordingly dispensed with the consents of the biological parents; This Court takes note that the consent of the proposed Legal Guardian has also been duly filed.
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 HO. and the court is further satisfied that the order for adoption will be in the best interest of the child and he appeared virtually with the prospective parents and this Court took note of his pleasant and happy demeanor;
9. 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 a suitable persons to adopt HO. and it is satisfied that the order for adoption will be in the best interest of the child.

Findings & Determination

10. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed;
 - i. The Applicants HKM and CWW be and are hereby authorized to legally adopt HO.; he shall be known as TMK
 - ii. The Registrar General be and is hereby directed to enter this adoption order of TMK 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 TMK



- iii. The Guardian Ad Litem GM is hereby discharged and AWW be and is hereby appointed to stand in as next of kin and legal guardian to TMK until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 13th DAY OF JUNE, 2025.

A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Omuoma – for the Applicants

