



**In re NWW (Baby) (Adoption Cause E265 of 2024)  
[2025] KEHC 8128 (KLR) (Family) (12 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8128 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E265 OF 2024  
H NAMISI, J  
JUNE 12, 2025  
IN THE MATTER OF KINSHIP ADOPTION OF BABY N.W.W.**

**IN THE MATTER OF**

**ED ..... 1<sup>ST</sup> APPLICANT  
PNW ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 11 November 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
  - i. That the Applicants, E.D and P.N.W, be allowed to jointly adopt the child identified as N.W.W;
  - ii. That henceforth, the child be renamed as N.W.D;
  - iii. That the child be presumed to be a Kenyan citizen by birth, and consequently, be entitled to all the rights and benefits in respect thereof;
  - iv. That PMW and EWG be appointed as legal guardians of the child, in the event that the Applicants herein are incapacitated or in any way unable to discharge their parental obligations;
  - v. That the Registrar General be directed to make the appropriate entries in the Adopted Children’s Register and issue a Certificate to that effect;
  - vi. That the relevant department under the Civil Registration Services be directed to issue a post-adoption Certificate of Birth in respect of the child;
  - vii. That the Guardian ad litem be discharged;



- viii. That this Court do issue such further orders as are in the interest of justice.
2. The matter was canvassed by way of viva voce evidence on the virtual platform on 22 May 2025.

### **The Child**

3. The child (female) was born on 30 May 2017. She was adopted by the 2<sup>nd</sup> Applicant on 11 July 2019. At the time of the adoption, the 2<sup>nd</sup> Applicant was a single applicant. The adoption process was successfully completed and an adoption Certificate entry number ACR/3X7/19 was issued. The child is 7 years old.

### **The Applicants**

4. The Applicants reside in Geneva, Switzerland. They are a married couple, having celebrated their nuptials on 16 December 2020 in Nairobi. The 1<sup>st</sup> Applicant is a Ghanaian citizen aged 43 years. He is a self-employed Development worker. The 2<sup>nd</sup> Applicant is a Kenyan citizen aged 41 years. She is an Auditor working with the [particulars withheld]. The couple has one biological child, E.D, who was born on 18 June 2021.
5. The Applicants' motivation for the adoption is their desire to raise the child as a joint unit. According to the adoption agency, the Applicants are fully committed to the child's happiness and wellbeing as well as providing a nurturing home environment where she can thrive and reach her fullest potential.
6. The Applicants presented copies of their pay slips, bank statements, recommendations and referee information, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These disclose that the Applicants are financially, socially, physically and mentally fit to adopt the child. The Applicants confirmed that they fully understand the implications of an Adoption order and that the same is irreversible.
7. Additionally, pursuant to section 195 of the *Children Act*, the Applicants provided consents from E.W.G and P.M.W agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicants. The legal guardians are related to the Applicants.

### **The Adoption Approval Process**

8. Buckner Kenya Adoption Services conducted an assessment of the Applicants as well as members of the extended family. The Agency filed its report dated 22 March 2024 recommending the adoption of the child. The child was declared free for adoption vide a Certificate of Declaring a Child Free for Adoption serial number 9297.
9. On 6 February 2025, the Court issued an order appointing D.A.O as the child's Guardian ad Litem, and further directing the Guardian ad Litem and Director of Children's Services to investigate the suitability and fitness of the Applicant and subsequently file their respective reports.
10. The Guardian ad Litem filed her report dated 17 April 2025, noting that the Applicants provide a safe, loving and nurturing home for the child. The Directorate of Children's Services, Nairobi County filed its report dated 14 April 2025 recommending the adoption of the child by the Applicants herein.
11. Section 193(1) of the *Children Act* provides that kinship adoption order may only be made in favor of a relative of the child. In this instance, the Applicant is the adoptive mother of the child.
12. In view of the foregoing, the court is satisfied that:



- i. The proposed adoption is a kinship adoption, meaning that the child will continue to be within the family.
  - ii. The adoption will be in the best interest of the child; and
  - iii. The Applicants have been approved as prospective adoptive parents by competent social workers through a duly registered Adoption Society under the Department of Children Services, thus they are able to effectively handle their parental responsibilities
13. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
- i. The Applicants, E.D and P.N.W, are hereby authorised to adopted the child currently known as N.W.W, who will henceforth be known as N.W.D;
  - ii. The Registrar General is directed to enter this Order in the Adopted Children’s Register and to issue a Certificate to that effect;
  - iii. The Guardian ad Litem is hereby discharged;
  - iv. E.W.G and P.M.W are hereby appointed as the legal guardians of the child.

**DATED AND DELIVERED AT NAIROBI THIS 12 DAY OF JUNE 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

Ms. Kimenyi.....for the Applicants

Libertine Achieng ....Court Assistant

