



**In re MRW (Minor) (Adoption Cause E130 of 2025)
[2025] KEHC 11198 (KLR) (Family) (24 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 11198 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

ADOPTION CAUSE E130 OF 2025

CJ KENDAGOR, J

JULY 24, 2025

IN THE MATTER OF THE CHILDREN ACT, 2022

AND

IN THE MATTER OF MRW (MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION

IN THE MATTER OF

PMM 1ST APPLICANT

RMM 2ND APPLICANT

JUDGMENT

1. Before this Court is the application dated 14th May, 2025. The Applicants P.M.M. and R.M.M. are seeking to be authorized to adopt M.R.W, a minor, hereinafter referred to as (“the child”) and upon adoption, the child is to be known as M.R.W.M. The Applicants propose that I.N. be appointed as the child’s legal guardian upon granting of the adoption orders.
2. The Applicants are a married couple, as evidenced by a copy of the marriage certificate. Both hold dual citizenships: Kenyan-Canadian and Canadian-American, as shown by their respective Identity Documents.
3. The 1st Applicant was married to the child’s biological mother; however, he is not the child’s biological father. The union was blessed with the minor’s, M.R,W’s big brother, I.N., who is the proposed legal guardian. The facts as stated are that the biological father of the minor abandoned the minor’s



biological mother and the minor. Since the biological mother and the 1st Applicant had maintained a cordial relationship over the years, the 1st Applicant took on the role of stepfather to the minor and assumed parental responsibility for the minor from the time she was two years old to date. After the 1st and 2nd Applicants got married, the 2nd Applicant developed a relationship with the minor's biological mother and later on with the minor. The minor's biological mother is now deceased, as evidenced by her death certificate.

4. The 1st Applicant has three biological children from a previous relationship, who are I.N., M.M. and M.M. while the 2nd Applicant also has three biological children from a previous relationship who are B.K.W., J.N.W. and S.M. Together, the Applicants do not have any children; however, they are content with their blended family. The whereabouts of the minor's biological father remain unknown, and the Applicants have been undertaking parental responsibility over the minor.
5. The 1st Applicant is an operations manager employed in Canada, while the 2nd Applicant is a sales consultant who is self-employed. They are financially stable, as evidenced by their financial statements. They do not have any previous criminal records, as evidenced by their name-based Canadian Criminal Record Check issued by Bridgewater Police in Canada.
6. The report from the Ministry of Labour and Social Protection State Department of Social Security and Protection - Department of Children's Services (Nairobi County) dated 1st July, 2025 indicates that the child is 17 years and 4 months old having been born on 26th February 2008. The child was declared free for adoption on 11th April, 2025 by Change Trust vide freeing Certificate Serial Number 00801.
7. I.N. who is the brother to the child herein is the proposed legal guardian. He has voluntarily accepted to be the minor's legal guardian, and he gave his consent dated 14th May, 2025. The child has also given her consent dated 4th April, 2025.
8. The Applicants would like to make the adoption as married couple as they desire to offer the minor a stable family unit, security and they wish to extend more financial, educational and medical benefits to the minor till she attains the age of majority and beyond. They would like to legalize the relationship between them and the minor through kinship adoption to enable the child become a complete member of the family and also join them in Canada to be able to have extensive global opportunities and have a better chance in securing her future. The Applicants have discussed their intention to adopt with their immediate and extended family members, and they received positive affirmations.
9. The child stated that she is aware of the adoption proceedings and confirmed that she has been under the care and support of the Applicants. It was evident that they share a close bond.
10. The child is a Kenyan citizen by virtue of Article 14 (1) which provides that a person is a citizen by birth if on the day of the person's birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen.
11. In light of the best interests of the child principle provided for under Article 53 (2) of *the Constitution* of Kenya, 2010. Sections 8 (1), (2) and (3) of the Children's *Act No. 29 of 2022* and the 1st Schedule of the Children's *Act No. 29 of 2022*, this Court has an obligation to prioritize the child's best interests in making decisions touching on her.
 - a. Article 53 of *the Constitution*, 2010 states that a child's best interests are of paramount importance in every matter concerning the child.
 - b. Sections 8 (1), (2) and (3) of the Children's *Act No. 29 of 2022* provides as follows;



1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies:
 - a. The best interests of the child shall be the primary consideration;
 - b. The best interests of the child shall include, but shall not be limited to the considerations set out in the First Schedule.
 2. All judicial and administrative institutions, and all persons acting in the name of such institutions, when exercising any powers conferred under this Act or any other written law, shall treat the interests of the child as the first and paramount consideration to the extent that this is consistent with adopting a course of action calculated to: -
 - a. safeguard and promote the rights and welfare of the child;
 - b. conserve and promote the welfare of the child; and
 - c. secure for the child such guidance and correction as is necessary for the welfare of the child, and in public interest.
 3. In any matters affecting a child, the child shall be accorded an opportunity to express their opinion, and that opinion shall be taken into account in appropriate cases, having regard to the child's age and degree of maturity.
- c. The First Schedule as provided for under Section 8 (1) of the Children's [Act No. 29 of 2022](#) provides best interests considerations to be as follows:
1. The age, maturity, stage of development, gender, background and any other relevant characteristics of the child.
 2. Distinct special needs (if any) arising from chronic ailment or disability.
 3. The relationship of the child with the child's parent(s) and/or guardian(s) and any other persons who may significantly affect the child's welfare.
 4. The preference of the child, if old enough to express a meaningful preference.
 5. The duration and adequacy of the child's current living arrangements and the desirability of maintaining continuity.
 6. The stability of any proposed living arrangements for the child.
 7. The motivation of the parties involved and their capacities to give the child love, affection and guidance.
 8. The child's adjustment to the child's present home, school and community.
 9. The capacity of each parent or guardian to allow and encourage frequent and continuing contact between the child and the other parent and/or guardian(s), including physical access.
 10. The capacity of each parent and/or guardian(s) to cooperate or to learn to cooperate in child care.
 11. Methods for assisting parental and/or guardian cooperation and resolving disputes and each parent's/guardian's willingness to use those methods.



12. The effect of the child if one parent/guardian has sole authority over the child's upbringing.
 13. The existence of domestic abuse between the parents/guardian(s), in the past or currently, and how that abuse affects the emotional stability and physical safety of the child.
 14. The existence of any history of child abuse by a parent and/or guardian(s); or anyone residing in the same dwelling as the child.
 15. Where the child is under one year of age, whether the child is being breast-fed.
 16. The existence of a parent's(s) or guardian's(s) conviction for a sex offense or a sexually violent offense under the *Sexual Offences Act*.
 17. Where there is a person residing with a parent or guardian, whether that person; -
 - a. Has been convicted of a crime under this Act, the *Sexual Offences Act*, the *Penal Code* or any other legislation.
 - b. Has been adjudicated of a juvenile offence which, if the person had been an adult at the time of the offence, the person would have been convicted of a felony.
 18. Any other factor which may have a direct or indirect effect on the physical and psychological well-being of the child.
12. The report from the Ministry of Labour and Social Protection State Department of Social Security and Protection - Department of Children's Services (Nairobi County), the report from Change Trust, the guardian ad litem and the proposed legal guardian indicate that the child will be well taken care of in the care and custody of the adoptive parents.
 13. I am satisfied that this adoption serves the child's best interests.
 14. In the circumstances, I allow the originating summons dated 14th May, 2025 and make the following orders:
 - a. The Applicants P.M.M. and R.M.M. are authorized to adopt the child known as M.R.W.
 - b. Upon adoption, the child shall be known as M.R.W.M.
 - c. I.N. is appointed as the legal guardian of the child.
 - d. The child is presumed to be a Kenyan Citizen by birth.
 - e. The Registrar General shall enter this adoption into the Register of Adoptions.
 - f. The Registrar of Births and Deaths to issue the Child a new Birth Certificate with the new name.
 - g. The guardian ad litem is hereby discharged.
 15. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 24TH DAY OF JULY, 2025

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Ambaka, Advocate for the Applicant

