



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re KL (Child) (Adoption Cause E001 of 2025)  
[2025] KEHC 10358 (KLR) (16 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10358 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MARALAL  
ADOPTION CAUSE E001 OF 2025  
AK NDUNG'U, J  
JULY 16, 2025  
IN THE MATTER OF ADOPTION OF  
KL.....THE CHILD**

**IN THE MATTER OF**

**MNL ..... APPLICANT**

**JUDGMENT**

1. By way of an Originating Summons dated 30<sup>th</sup> January, 2025, the Applicant sought orders;
  1. Spent
  2. That the name "L" be included as the surname in the certificate of birth of KL,
  3. That upon the grant of prayer (2) above, KL's birth certificate, serial number; 8727883 issued at Samburu County, be amended to include the said surname.
  4. That the Applicant, MNL, be authorized to adopt KL, who shall henceforth be named KLL
  5. That the Registrar General be ordered to make the appropriate entries in the Adopted Children Register accordingly to reflect KLL legal identity.
  6. That a formal Adoption Order as required by the Children's Act, 2022, Cap. 141 Laws of Kenya, be issued in favor of the Applicant.
  7. That this Honorable Court may issue any further orders or directions it deems fit and expedient in the interest of the child which application is based on the following grounds:
    - a. The Applicant is the child's maternal aunt.
    - b. The Applicant is a single mother.



- c. The Applicant desires to adopt the subject minor and take her in as her own biological child.
- d. The child has been under the Applicant's care since 2020.
- e. The immediate family members, including the child's biological mother, have consented to the adoption of the Child by the Applicant.
- f. The child, being 13 years old, has similarly consented to her adoption by the Applicant in compliance with section 186 (8) (c) of the [Children's Act, 2022](#).
- g. The Applicant is a law-abiding citizen with no criminal record.
- h. The Applicant does not have any medical conditions that may hinder her from affording the child a quality upbringing,
- i. The Applicant has the experience of bringing up the child due to being a biological parent to two children of her own. j) The Applicant is a committed Christian who promises to raise the child in a Christian and God-fearing setting.
- j. The Applicant undertakes to continue providing fully for the wellbeing of the child in her best interest, as she does for her own biological children.
- k. The Applicant understands her responsibilities as an adoptive parent, including the fact that the adoption process is permanent and irreversible.
- l. The Applicant is heterosexual and is not bent towards homosexual or lesbian tendencies.
- m. The Applicant is passionate about children, hence the reason she has shouldered the child's basic needs for the past four years.
- n. The Applicant has a stable income and is able to meet all the basic needs of the child without any difficulty.
- o. The Applicant lives in a conducive environment, where she intends to bring up the child as one of her own.
- p. The Children Officer has assessed the Applicant and confirms her suitability as an adoptive parent for the minor.
- q. The Applicant has fully satisfied the requirements of Section 186 of the [Children's Act](#), being aged 37 years old.
- r. No previous application has been made with respect to the adoption of the subject minor.
- s. All relevant consents have been obtained.
- t. The Applicant is able and willing to offer the minor a name, home, and an opportunity to live a normal family life in comfortable surroundings.
- u. The Child's biological mother having seven (7) children and being financially constrained, cannot adequately provide for the minor's basic needs, hence the reason she has consented to his being adopted by the Applicant.



- v. The best interest of KL, as provided by section 8 of the *Children's Act* and Article 53(2) of the *Constitution*, 2010, will be realized by allowing this summons as prayed which application is further grounded upon the annexed affidavit of MNL and on such other and further grounds as shall be adduced at the hearing hereof.
2. On the 26<sup>th</sup> March 2025, LL was appointed Guardian ad litem and the court directed that the necessary reports be filed.
3. From the record, the following necessary documents/reports have been filed;
  - a. Certificate of declaring a child free for adoption dated 30/4/25 by KKPI Adoption Society.
  - b. Consent of adoption by Napanu Ntinayo Leterewa the mother to the minor.
  - c. Consent by the minor to be adopted her being of age.
  - d. The Directorate of Children Services, Samburu Sub- County Report dated 25<sup>th</sup> January 2025.
4. I have considered the personal circumstances of the Applicant, including her current occupation, incomes and social standing. From the material placed before this court, the Applicant has no history of any medical complications that can hinder her from giving the child quality upbringing. The Applicant has been in continuous custody of the child for the last 4 years and has taken her to school and the child is now in primary school.
5. The Applicant has no criminal record and is from the record a committed Christian. The KKPI Adoption Society has in its report described the Applicant as hard working and able to take care of the child. Further that her social, spiritual and moral standing is satisfactory and the extended family is in support of her initiative to adopt the minor.
6. The Children's Officer's report is positive and supports the adoption noting that the Applicant was found on inquiry to be responsible and capable of providing for the child and it is confirmed that she has no past criminal record.
7. The Children's Officer was satisfied that the general environment in which the child lives was conducive for her upbringing and based on their findings and observations, the Children's officer recommended that the Applicant be allowed to adopt the child.
8. I am persuaded that the Applicant not only has the will to adopt the child as her own biological child, but she has also demonstrated that she has the means to provide her with shelter, clothing, food, education and, most importantly, the parental care and protection that she needs and deserves. I have no doubt at all that she has provided and will continue to provide to the Child a conducive home for wholesome upbringing.
9. Finally, I am satisfied that the Applicant is financially and materially capable of giving a good and proper upbringing to the Child, and is already providing him with a conducive and loving home. The adoption order sought is in the best interest of the welfare of the Child.
10. Upon perusal of all the material placed before the court, I am satisfied that all legal requirements for the adoption order sought have been met.
11. In the premises, I allow the Originating Summons herein and make the following orders;
  - a. That the Applicant, MNL, be authorized to adopt KL, who shall henceforth be named KLL.
  - b. That the name "L" be included as the surname in the certificate of birth of KL,



- c. That upon the grant of prayer (2) above, KL's birth certificate, serial number; 8727883 issued at Samburu County, be amended to include the said surname.
- d. That the Registrar General be ordered to make the appropriate entries in the Adopted Children Register accordingly to reflect KLL legal identity.
- e. That a formal Adoption Order as required by the Children's Act, 2022, Cap. 141 Laws of Kenya, be issued in favor of the Applicant.
- f. That there be no order as to costs.

**DATED SIGNED AND DELIVERED THIS 16TH DAY OF JULY 2025.**

**A.K. NDUNG'U**

**JUDGE**

