



**In re NLK (Minor) (Adoption Cause E053 of 2025)
[2025] KEHC 10068 (KLR) (Family) (11 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10068 (KLR)

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

FAMILY

ADOPTION CAUSE E053 OF 2025

H NAMISI, J

JULY 11, 2025

IN THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA

AND

IN THE MATTER OF NLK (MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION

IN THE MATTER OF

MLK 1ST APPLICANT

RPM 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 4 March 2025, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That SoK and ATS be appointed as legal guardians of the minor, N.L.K;
 - ii. That the Guardian ad litem be discharged;
 - iii. That the Applicants be authorised to legally adopt N.L.K (herein referred to for all common interest and purposes as the minor) who will be known as N.N.L.K;
 - iv. That the Registrar General be directed to enter this Adoption into the Adoption Register;
2. The matter was canvassed by way of viva voce evidence on the virtual platform on 29 May 2025.



The Child

3. The child (female) was born on 28 April 2018 to FTN (deceased). Her mother passed away two months after her birth due to Tuberculosis Meningitis. According to the Applicants, the identity and whereabouts of the biological father are unknown. The Deceased mother was aged 16 years when she got pregnant. She was a niece to the 1st Applicant.
4. Since the passing of her biological mother, the child has resided with the Applicants, who have continued to care and provide for her. She is 6 years old and enrolled in school, currently in PP2.

The Applicants

5. The Applicants are Kenyan citizens living in Nairobi. They got married on 4 July 2011 under customary law. The Applicants have 2 children of their own, aged 13 and 10 years. The 1st Applicant is a Program Analyst at the [particulars withheld], while the 2nd Applicant is pursuing her Masters degree. The Applicants stated that they wish to adopt the child so as to give her the same opportunities as their own biological children.
6. The Applicants presented copies of Pay slips, Bank statements, land title documents, log book and recommendations 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 understand that an adoption order is irreversible.
7. Additionally, pursuant to section 195 of the *Children Act*, the Applicants provided consent from SoN. And A.T.S agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicants. SoN is a brother to the 1st Applicant and married to A.T. S. Their consents are dated 2 February 2025.

The Biological Parents

8. The biological mother of the child, FTN is deceased. She passed away on 19 June 2018. The biological father of the child is unknown.
9. Pursuant to the provisions of Section 187 (1)(c) of the *Children Act*, I hereby dispense with the consent of the biological father.

The Adoption Approval Process

10. KKPI Adoption Society conducted an assessment of the Applicants and the child. The Agency filed its report dated 25 February 2025 recommending the adoption of the child. The child was declared free for adoption by the Adoption Society vide a Certificate of Declaring a Child Free for Adoption serial number 0XX8.
11. On 27 March 2025, the Court issued an order appointing S.T.M 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 Applicants and subsequently file their respective reports.
12. The Guardian ad Litem filed her report dated 9 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 27 May 2025, recommending the adoption of the child by the Applicants herein.



13. 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 1st Applicant is an extended relative of the child, the biological mother of the child having been his niece.
14. 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
15. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
 - i. The Applicants, M.L.K and R.P, are hereby authorised to adopt the child known as N.L.K, who shall henceforth be known as N.N.L.K;
 - 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. SoN and A.T.S are hereby appointed as the legal guardians of the child.

DATED AND DELIVERED AT NAIROBI THIS 11 DAY OF JULY 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on a virtual platform in the presence of

Applicants: Ms. Achieng

Court Assistant : Libertine Achieng

