



**In re FK (Minor) (Adoption Cause E004 of 2025)
[2025] KEHC 10035 (KLR) (Family) (11 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10035 (KLR)

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

FAMILY

ADOPTION CAUSE E004 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 FK (MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION

IN THE MATTER OF

MGA 1ST APPLICANT

NJB 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 10 December 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the Applicants be authorised to adopt F.K, a minor who is to be known as T.D.G and the Registrar General be directed to enter this adoption to the Register of Adoptions;
 - ii. That A.J.B and H.B.A be appointed as the legal guardians of the minor;
 - iii. That the child be indicated to have been born in Kenya.
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 1 May 2021 to JK and HH (Deceased). Since the passing of her biological mother, the child has resided with the Applicants, who have continued to care and provide for her.
4. The child has two siblings who are in the custody of their uncle.
5. The child appeared before the Court, seemingly healthy and happy.

The Applicants

6. The Applicants are Kenyan citizens living in Nairobi. They got married on 13 September 2014 under Islamic law. Both Applicants are doctors. The Applicants have 5 children of their own, born between 2015 and 2021.
7. The Applicants presented copies of Police Clearance Certificates 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 understand that an adoption order is irreversible.
8. Additionally, pursuant to section 195 of the *Children Act*, the Applicants provided consent from A.J.B and H.B.A, agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicants. H.B.A is a sister to the 2nd Applicant and is married to A.J.B.

The Biological Parents

9. The biological mother of the child, HH, is deceased. She passed away on 11 March 2023.
10. The biological father of the child, JK, resides in Kitale with his wife and family. The child herein was born out of wedlock. In his consent dated 14 October 2024, he states that he is unwilling to take care of the child because his wife does not know about this child. He confirmed that he is fully aware that this order is irreversible.

The Adoption Approval Process

11. Little Angels Network conducted an assessment of the Applicants and sought the consent of the child and her biological parent. The Agency filed its report dated 7 November 2024 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 00XXXXX1.
12. On 13 February 2025, the Court issued an order appointing P.S 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.
13. The Guardian ad Litem filed her report dated 25 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 6 May 2025, recommending the adoption of the child by the Applicants herein.
14. 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 2nd Applicant is the maternal aunt of the child.
15. 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
16. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
- i. The Applicants, M.G.A and N.J.B, are hereby authorised to adopt the child known as F.K, who shall henceforth be known as T.D.G;
 - 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. A.J.B and H.B.A 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. Ambaka

Court Assistant : Libertine Achieng

