



**In re DN (Minor) (Adoption Cause E075 of 2025)
[2025] KEHC 12594 (KLR) (Family) (16 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 12594 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E075 OF 2025
H NAMISI, J
SEPTEMBER 16, 2025
IN THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA
AND
IN THE MATTER OF DN (MINOR)
AND
IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION**

IN THE MATTER OF

CBO 1ST APPLICANT

VKK 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 21 March 2025, 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 DN, a minor who is to known as DNG and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - ii. That Valentino James Ondieki and Ruth Kerubo Ondieki be appointed as the legal guardians of the minor;
 - iii. That the child be presumed to be born in Kenya.
2. The matter was canvassed by way of viva voce evidence on the virtual platform on 3 July 2025.



The Child

3. The child (female) was born on 11 June 2011 to GGO and JKN (deceased). Her biological mother passed away on 26 January 2024. The child has two older siblings.
4. Following her mother's demise, the child was left in the custody and care of her grandmother and her biological father. Her grandmother passed on 3 months after her mother's demise, leaving the child in the sole custody of her biological father.
5. The child is enrolled in school, in grade 8. At the hearing, she confirmed that she knew the Applicants. The 1st Applicant is her uncle. She also confirmed her consent to be adopted by the Applicants and to relocate to New Zealand where the Applicants reside.

The Applicants

6. The Applicants are Kenyan citizens residing in New Zealand. They got married on 30 October 2001 and have two children born in 1996 and 2011. The 1st Applicant is a Support Assistant, while the 2nd Applicant is a registered Nurse. The Applicants confirmed that they have taken care of the financial needs of the child since her biological father is financially constrained.
7. The Applicants presented copies of Letters of Employment, land title documents, Police Clearance Certificates and letters of recommendation from their Church, 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 VJO and RKO agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicants. VJO is the first-born child of the Applicants herein, aged 22 years, while RKO is his wife. They confirmed that they understood their role as legal guardians and readily accepted it.

The Biological Parents

9. The biological mother of the child, JKN is deceased. She passed away on 26 January 2024.
10. The biological father, GGO, resides in Nyamira County and is a farm worker. His consent is dated 20 May 2025. He appeared before the Court and confirmed that he understood the implications of an adoption order and its irreversibility. He further confirmed that he willingly presents his child for adoption by his brother and sister-in-law, the 1st and 2nd Applicants, respectively.
11. Pursuant to the provisions of Section 187(1)(c) of the *Children Act*, I hereby dispense with the consent of the biological mother.

The Adoption Approval Process

12. KKPI Adoption Society conducted an assessment of the Applicants and the child. The Agency filed its report dated 30 June 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 xxxx.



13. On 29 May 2025, the Court issued an order appointing MKK 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.
14. The Guardian ad Litem filed her report dated 12 June 2025, noting that the child would greatly benefit from this adoption. The Directorate of Children's Services, Nairobi County filed its report dated 13 June 2025, recommending the adoption of the child by the Applicants herein.
15. 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 a paternal uncle to the child, a brother to the child's biological father.
16. 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
17. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
 - i. The Applicants, CBO and VKK, are hereby authorised to adopt the child known as DN, who shall henceforth be known as DNG;
 - 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. VJO and RKO are hereby appointed as the legal guardians of the child.

DATED AND DELIVERED AT NAIROBI THIS 16 DAY OF SEPTEMBER 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on a virtual platform in the presence of

Applicants: Ms. Wairimu

Court Assistant : Lucy Mwangi

