



**In re JM (Minor) (Adoption Cause E220 of 2024)
[2025] KEHC 12580 (KLR) (Family) (16 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 12580 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E220 OF 2024
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 JN (MINOR)
AND
IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION**

IN THE MATTER OF

DOM 1ST APPLICANT

JKO 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 11 October 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the consent of the biological father of the child is attached and the consent of the biological mother be dispensed with since the said mother abandoned the child immediately after birth hence relinquishing her parental rights, abandoned the minor and to date the child has remained in the sole custody of the biological father;
 - ii. That the Applicant, DOM and JKO be allowed to adopt Baby JN;
 - iii. That JBO be appointed as guardian to baby JN;



- iv. That the Registrar – General do make the appropriate entries in the Adopted Children’s Register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth Certificate in respect thereof;
2. Needless to say, the drafting of the Application leaves a lot to be desired.
3. The matter was canvassed by way of viva voce evidence on the virtual platform on 8 May 2025 and 5 June 2025.

The Child

4. The child (male) was born on 5 June 2010 to MAO and JMO. He is 14 years old and is the first born of four children. He and his siblings reside with their grandmother in Kisii. The child does not recall when he last saw his mother. The child is enrolled in school, in grade 8.
5. The child appeared before the Court and confirmed that he would like to be adopted by the Applicants, who are his grandparents.

The Applicants

6. The Applicants are Kenyan citizens. The 1st Applicant is aged 60 years and resides in the United States of America. The child herein is his grandchild, a child to his son, MO. The 2nd Applicant is a 60-year-old business lady. Although she currently resides in Kisii, she is relocating to the United States to live with her husband, the 1st Applicant.
7. The 1st Applicant presented copies of his letter of employment, bank statements, his Police Clearance Certificate issued by the State of Minnesota, recommendations and referee information, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These disclose that the 1st Applicant is financially, socially, physically and mentally fit to adopt the child. The 2nd Applicant did not provide any documents to support her application. There is, however, a copy of Birth Certificate indicating that the 2nd Applicant is the mother of Meshack Amwata.
8. The Applicants confirmed that they understand that an adoption order is irreversible.
9. Additionally, pursuant to section 195 of the *Children Act*, the Applicants provided consent from J.B.O, their daughter and paternal aunt to the child herein, agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicants. The proposed legal guardian is a Nurse, working in Minneapolis, USA.

The Biological Parents

10. M.A.O and J.M.O are the child’s biological father and mother, respectively. The biological father is a small-scale business. He confirmed to the Court that he has consented to the adoption of his first born, due to the financial difficulties he is facing. He also provided a written consent.
11. According to the biological father, the child’s mother has been missing since November 2014. He presented a copy of Police Abstract dated 5 June 2024, evidencing the missing person’s report filed at the Kisii Police Station vide OB No 46/05/06/24.
12. Based on the foregoing, I, therefore, dispense with the requirement for the consent of the biological mother.



The Adoption Approval Process

13. KKPI Adoption Society conducted an assessment of the Applicants and sought the consent of the child and her biological father. The Agency filed its report dated 8 March 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 918.
14. On 13 February 2025, the Court issued an order appointing M.K.K 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.
15. The Guardian ad Litem filed her report dated 7 March 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 3 January 2025, recommending the adoption of the child by the Applicants herein.
16. 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 Applicants are paternal grandparents of the child.
17. 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
18. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
 - i. The Applicants, D.O.M and J.K.O, are hereby authorised to adopted the child known as J.N;
 - 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. J.B.O is hereby appointed as the legal guardian 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: N/A

Court Assistant : Libertine Achieng

