



REPUBLIC OF KENYA



**In re MMG (Adoption Cause E130 of 2023)
[2024] KEHC 3748 (KLR) (Family) (18 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 3748 (KLR)

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

FAMILY

ADOPTION CAUSE E130 OF 2023

SN RIECHI, J

APRIL 18, 2024

IN THE MATTER OF THE CHILDREN'S ACT (NO. 8 OF 2022)

AND

IN THE MATTER OF ADOPTION OF MMG

IN THE MATTER OF

CWG APPLICANT

JUDGMENT

1. The Applicant CWG is a Kenyan citizen. She is 43 years old born on 5th March 1980 as evidenced by copy of national ID serial number xxxxxxxxx attached to the summons and therefore meets the age requirement for adoption under section 186 of the *Children's Act*.
2. The applicant is a single parent and she has two biological children namely EN born on 12th February 2008 and ZW born on 12th February 2013 as evidenced by copies of their birth certificates attached to the summons.
3. Vide Originating Summons application dated 6th July 2023 the Applicant seeks;
 - i. That the Applicant be authorized to adopt MMG to be known as MMG.
 - ii. That the child is be presumed a Kenyan Citizen by birth.
 - iii. That the child's date of birth be 3rd August 2014 and the place of birth be Thika Level 5 Hospital, Thika.
 - iv. That the Registrar General be directed to enter the adoption in the Adopted Children Register.
 - v. That the Director of Immigration be authorized to issue the child with a Kenyan passport.



- vi. That GGG and CNG be appointed the legal guardians of the child in the event of the death or incapacity of the Applicant before the child is of age or independent.
- vii. That the Court be pleased to make any further orders it deems necessary.
4. The application is premised on the grounds that the orders sought are in the best interest of the child, further grounds are as set out in the annexed statement and Affidavit of the Applicant herein and the annexures thereto and on other and further grounds adduced at the hearing.
5. From the pleadings, the court finds that the applicant is a business lady and she has put up chicken for layers and also supplies other farm products like onions to retailer shops and she makes approximately KShs 200000/= per month from her business. The applicant is therefore financially stable to cater for the minor as evidenced by copies of statement attached to the summons. The applicant resides in a 6-bedroom mansion with her family in Gekambura Kikuyu Sub County, Kiambu County. She professes Christian faith.
6. The applicant stated that the child is the adopted daughter of her late sister, IWG who died on 14th April 2019 as evidenced by attached copy of the child 's adoption certificate serial number xxxx and a copy of IWG's death certificate serial number xxxxxxxx.
7. The applicant stated that prior to demise of her sister, IWG had appointed her brother, GAGG and sister, CNG to be the Legal guardians of the child. She referred to annexed copy of the Adoption Order in confirmation.
8. The applicant stated that after her late sister's demise she took parental responsibility for the child and she has been living with the child as her primary care giver.
9. Prior to the hearing of the adoption application, Kenya Children's Home Society prepared and filed a report dated 12.9.2023 which was positive as evidenced by the copy of the report attached to the summons. They also issued a Certificate declaring the child free for adoption.
10. The guardian *ad litem* JW prepared and filed a report dated 2.2.2024 attached to the application which was favorable and recommended the adoption of the child by the Applicants.
11. The applicant stated that GAGG and CNG have consented to her adoption of baby MMG. She referred to attached copies of their Consent.
12. The applicant biological children namely EN and ZW born have consented to the adoption of the minor as evidence by a letter of consent dated 28.09.2022 attached to the summon.
13. The Senior Children's officer Carolyne Olilo from the office of the Director of Children Services conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child. She filed a report dated 24th February 2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant.
14. This is a kinship adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the parents could not be traced to give the consent. The child was in court during the hearing and appeared to have bonded well with the Applicants.
15. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of the [Constitution](#) and Section 8 the [Children's Act](#), 2022. Consequently, it is in the best interest of the child



that he is adopted by the Applicant. Reasons wherefore, I allow the prayers sought in the Originating Summons dated 6th July 2023 and Order as follows:

- i. The Applicant CWG is hereby allowed to adopt Baby MMG who shall henceforth be known as MMG
- ii. Her date of birth shall be 3rd August 2024 and place of birth shall be Thika Level 5 Hospital, Thika.
- iii. The child is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
- iv. GAGG and CNG are hereby appointed as the legal guardian of the child.
- v. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- vi. The director of immigration is hereby authorized to issue the child with a Kenyan Passport.
- vii. The guardian *ad litem* is hereby discharged.

DATED AT NAIROBI THIS 18TH DAY OF APRIL, 2024.

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S.N. RIECHI

JUDGE

