



**In re Adoption of CN (Minor) (Adoption Cause E005 of 2023)
[2024] KEHC 10008 (KLR) (20 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 10008 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
ADOPTION CAUSE E005 OF 2023
SN MUTUKU, J
JUNE 20, 2024
IN THE MATTER OF THE CHILDREN’S ACT 2022 LAWS OF KENYA
AND
IN THE MATTER OF ADOPTION OF CN (MINOR**

**IN THE MATTER OF
BNM APPLICANT**

JUDGMENT

1. This judgment relates to the Originating Summons dated 29th August 2023 brought by the Applicant. The following reliefs are sought:
 - i. That GM be appointed as the Legal Guardian of CNM, the minor.
 - ii. That this Honourable Court do issue an Adoption Order authorizing the Applicant to legally adopt the minor who will be henceforth known as CNM.
 - iii. That an Order do issue to the Registrar General to make the appropriate entry of CNM in the Adopted Children’s Register.
 - iv. That this Honourable Court do issue an Order directed at the Immigration Department for the minor to be issued with a Kenyan Passport.
 - v. That an Order do issue directing the Registrar of Births and Deaths to issue the minor herein with all relevant documents evidencing her identity.

2. From the documents attached to the Application, the Applicant is a Kenyan Citizen born in 1964. She holds Kenyan National Identity Card Number xxxxxx. She resides in Seattle, Washington State where she runs her own Nursing Home.



3. The Applicant is married to one AKM. A Certificate of Marriage is attached to the Applicant's documents. Her husband is not an Applicant to this adoption, but he is supporting it through his Consent marked 'BNM8'.
4. The Applicant is mother to two biological children, JM, born in 1982, who lives in Kenya and who is the father of the minor, and FG born in 1992 and who lives with the Applicant in Seattle.
5. The minor is daughter of JM and CNW. They are separated. The minor was born on 27th December 2006. She lives wither mother, CNM. Both parents have given their consent to this adoption. She attends school at (name withheld) where she is in Form 4. The minor has also given her consent for the adoption through her letter dated 28th April 2023.
6. This adoption process was handled by Change Trust, the Adoptive Society. The Society investigated the Applicant and prepared a Social Inquiry and Home Study Report dated 30th March 2023. The Report shows that the Case Committed at Change Trust sitting on 30th March 2023 approved the adoption of the minor by the Applicant. a Certificate declaring the minor free for adoption was issued. It is dated 5th May 2023.
7. The Applicant has GM as the Legal Guardian of the minor upon adoption. GM has given her consent marked 'BNM7A' attached to the Applicant's documents.
8. This court appointed CWK as Guardian Ad Litem on 30th October 2023 and directed that the Guardian Ad Litem and the Director of Children's Services to investigate the suitability of the Applicant to adopt the minor and file reports to that effect. Both reports have been filed. The Report from the County Children's Office is dated 22nd January 2024. It is prepared by Anne W. Kang'ethe. The Report is positive and favourable. I have noted however the mix-up on the section on "Background Information" where it is indicated who the Applicant's husband is. This is an error as the same report on the section on "Marriage", it correctly shows who the husband is.
9. The Report by Guardian Ad Litem is dated 28th February 2024. Likewise, this report is favourable and recommends that the Applicant be allowed to adopt the minor.
10. In my determination of this matter, I have read with great care, all the documents filed in respect of this adoption. This is a kinship adoption. The Applicant is related to the minor by virtue of being her paternal grandmother. All the relevant persons, the parents of the minor, the minor herself, the Applicant's husband and the proposed Legal Guardian, have given their consent to this adoption. The minor is aged 17 years, and the Applicant is aged 60 years. This is within the legal parameters for purposes of adoption.
11. I find the documentation in respect of this adoption, and the process leading to this adoption, in order. I have no reason to decline granting the reliefs sought in this adoption cause. I am satisfied that the constitutional command under Article 53 (2) and that of the *Children's Act* section 8(1) (a) that A child's best interests are of paramount importance in every matter concerning the child has been obeyed by this court in allowing this application.
12. Consequently, I hereby allow Originating Summons dated August 29, 2023 in the following terms:
 - i. That the Applicant BNM is hereby authorized to adopt CNM, the minor.
 - ii. That the minor shall henceforth be called CNM.
 - iii. That the Registrar General is hereby directed to make the appropriate entry of CNM in the Adopted Children's Register.



- iv. That the Director General of Immigration is hereby directed to issue CNM with a Kenyan Passport.
 - v. That the Registrar of Births and Deaths is hereby directed to issue CNM with all relevant documents in respect to her identity.
 - vi. That GM is hereby appointed the Legal Guardian of CNM.
 - vii. That CWK is hereby discharged from the duties of Guardian Ad Litem.
13. Orders shall issue accordingly.

DATED, SIGNED AND DELIVERED THIS 20TH JUNE 2024.

S. N. MUTUKU

JUDGE

