



**In re Adoption of Baby TD (Adoption Cause E148 of 2024)  
[2024] KEHC 13891 (KLR) (Family) (3 October 2024) (Judgment)**

Neutral citation: [2024] KEHC 13891 (KLR)

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

**ADOPTION CAUSE E148 OF 2024**

**SN RIECHI, J**

**OCTOBER 3, 2024**

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY TD**

**IN THE MATTER OF**

**BAO ..... 1<sup>ST</sup> APPLICANT**

**SJMK ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants, SJMK and BAO are in a monogamous marriage which was solemnized on 4<sup>th</sup> August 2010, at Kenya Assemblies of God church within Nairobi County as evidenced by a copy of their marriage certificate serial number 1496XXXX attached to the application.
2. The 1<sup>st</sup> applicant is a Kenyan Citizen born on 1<sup>st</sup> April 1980 as evidenced by a copy of identification card serial number 2149XXXX attached to the summons. The 2<sup>nd</sup> applicant is a Kenyan Citizen is aged 40 years old born on 14.01.1984 as evidenced by a copy of his National Identification Card serial number 7045XXXX attached to the summons.
3. The applicants have three biological children namely CSM aged 10 years old, YMM aged 4 years old and LZ aged 7 years old as evidenced by copies of their respective birth certificates attached to the application.
4. The applicants now wish to adopt a female child known as TD aged 17 years old born on 7.8.2007 as evidenced by a copy of her birth certificate serial number 181XXXX attached to the application.
5. From the pleadings, the court finds that the 2<sup>nd</sup> applicant is a Product Manager at [Particulars Withheld] Limited in UK Essex. The 1<sup>st</sup> Applicant self-employed. The 2<sup>nd</sup> applicant reside in UK Essex and the 1<sup>st</sup> Applicant reside in Karen within Nairobi County. Both profess Christian faith.



6. The evidence on record indicate that the minor was born on 7<sup>th</sup> August 2017 to one PAO who resides in Doha, Qatar. The child is 1<sup>st</sup> Applicant's niece being the daughter of 1<sup>st</sup> applicant's sister. The applicants stated that the father of the child is POD but his whereabouts are unknown.
7. The applicants stated they would like to legalize the relationship in the best interest of the child in order to enable her get travel documents to relocate with their family to the UK.
8. The applicants stated the child relates well with the applicants and their children having lived with them for more than 10 years.
9. Prior to the hearing of the adoption application, Kenya Children Service Adoption Society through Mary Muyasi Mwagona prepared and filed a report dated 25.9.2024. They also issued a Certificate serial number 946 declaring the child free for adoption as evidenced by the copies of a report and a certificate declaring a child free for Adoption attached to the application.
10. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
11. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
12. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
13. The guardian ad litem JNW filed a report dated 2.8.2024 which was favourable and recommended the adoption of the child by the Applicants.
14. Mary Atati Assistant Director of Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 25<sup>th</sup> September 2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicants and that the Applicants have fulfilled the statutory requirements.
15. The legal guardian MAO consented to be appointed as legal guardian of the child and she filed a letter of consent attached to the application.
16. PAO the biological mother of the child appeared in court virtually and testified as follows;

“I am 37 years old. I am a research officer stationed in Doha. I was married in Dec 2014. We separated in 2019. I do not know where he is now. He just left. I have one child T. I had her out of wedlock. She was born on 7.8.2004 before I married GO. The biological father is POD. I don't know where he is. I last spoke to him when D was 4 years old. I do not know his whereabouts.

I know B the 1<sup>st</sup> applicant. She is my sister. D was living with my mother RAA. My mother took D as I was not living in Kenya. I have approved the application for adoption. I have signed affidavit of consent. I know I am giving out my parental rights permanently to the applicants. I do not want to uproot D from the applicant. It is the best interest”



17. The child was present in court virtually and she testified as follows;

“I am 17 years old. I am a student at [Particulars Withheld] School in Nairobi. I am 10 years old. My mother is called PO. 1<sup>st</sup> Applicant is my aunt. I have stayed with her for 12 years. I want to stay with the applicant. I want to stay with my siblings”

18. This is a kinship adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological father was dispensed since his whereabouts is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicants.

19. 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. I find that it is in the best interest of the child to be adopted by the Applicants. I therefore allow the prayers sought in the amended originating Summons dated 14<sup>th</sup> June 2024 and Order as follows:

- i. The Applicants BAO and SJMK are hereby allowed to adopt TD who shall continue to be known as TD
- ii. Her date of birth shall be 7<sup>th</sup> August 2007 and she is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
- iii. MAO is hereby appointed as the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Register of Adopted Children.
- v. The guardian ad litem is hereby discharged.

**DELIVERED AT NAIROBI THIS 3<sup>RD</sup> DAY OF OCTOBER, 2024.**

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**S. N. RIECHI**  
**JUDGE**

