



REPUBLIC OF KENYA



KENYA LAW
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**In re PPW (The child) (Adoption Cause E144 of 2024)
[2024] KEHC 14586 (KLR) (Family) (21 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14586 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E144 OF 2024
PM NYAUNDI, J
NOVEMBER 21, 2024
IN THE MATTER OF THE CHILDREN ACT NO 29 OF 2022
AND
IN THE MATTER OF PPW (THE CHILD)
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY AWW AND EKB
JUDGMENT**

1. By Originating Summons, dated 21st June, 2024 the Applicants herein seek the following orders, that:-
 - i. They be authorized to adopt the child PPW Who is a Kenyan Citizen born on 4th May 2013
 - ii. Upon adoption the child be known as PPB
 - iii. KSB and MAO of Kenyan National Identity Cards Number 26XXXXXXX and 24XXXXXXX respectively be appointed as legal guardian of the child, PPW
 - iv. The Registrar General be directed to enter this adoption into the Register of Adoptions and a subsequent Birth Certificate do issue by the Registrar of Births and Deaths
2. The Applicants are husband and wife, having solemnized their marriage on 3rd August 2020 as per marriage Certificate Serial Number 43XXXXXXX presented before Court. Both are in gainful employment, the 1st Applicant is a Senior Medical officer working in [Particulars Withehld], while the second applicant is a Lecturer at [Particulars withheld] University.
3. The Couple has another child, born on 16th April 2021. The Minor, PPW is the biological daughter of the 1st Applicant from a previous relationship.
4. The father of the minor is TN, his whereabouts are unknown.



5. The Applicants fully appreciate the implications of an adoption order and have each consented to the adoption. The minor attended Court and was interviewed. He confirmed he is 11 years old. He attends [Particulars Withheld] Academy and is in Grade 6. Upon being explained to what an Adoption is and the implications of an adoption order he confirmed that he has consented to the Adoption and recognises the Applicants as his parents.
6. PW, The Guardian Ad Litem confirmed that upon visiting and interviewing the Applicants and the minor, she prepared her report dated 9th August 2024. She recommends the adoption.
7. Ms. Winfred Ikinya is an Assistant Director, Directorate of Children Services, she confirmed that her department prepared report dated 12th August 2024 and that the Report is positive and recommends the adoption.
8. The Proposed Legal Guardians KSB and MAO, attended Court. They are married and have 2 children of their own. KSB is a first cousin to EKB, the 2nd Applicant. They both confirmed that they understand the role of the Legal Guardian and in particular they would assume full parental responsibility over the minor in the even the adoptive parents are incapacitated and unable to play the role.
9. Mary Mnyazi Mwagona from Kenya Children's Home Adoption Society was present in Court. She confirmed that they verified that the minor is free for adoption and that the Applicants met the legal thresholds for the adoption order to issue
10. After carefully assessing the records herein, the Court is satisfied that the Applicants have fulfilled all the legal requirements relating to the Child's adoption. Section 186 of the [Children Act, 2022](#) provides.

The court may make an adoption order on application by-

- (1)
 - (a) Sole applicant; or
 - (b) Two spouses jointly.
11. This Court is alive to the Jurisdiction of the High Court vide Article 165 [Constitution of Kenya 2010](#) and Section 183(1) [Children Act 2022](#). The Court is conscious of the law; Article 53 [Constitution of Kenya 2010](#), Section 8 of [Children Act 2022](#) and the [UN Convention on the Rights of the Child](#) & [African Charter on the Rights & Welfare of the Child](#) all amplify on the best interests of the child.

Determination

12. On the basis of a careful examination of the documents presented before me as well as the observations made therein, this Court has formed the opinion that it would be in the best interest of the child to be adopted by the Applicants.
13. Subsequently, I allow the prayers sought in the Originating Summons dated 21st June 2024 and order as follows:
 - i. The Applicants AWW and EKB are hereby allowed to adopt PPW
 - ii. Upon Adoption his name shall be PPB
 - iii. He is presumed to be a Kenyan Citizen birth and his date of birth shall be 4th May , 2013 and Place of Birth [Particulars Withheld].
 - iv. KSB and MAO shall be the Legal Guardians of the child.



- v. The Registrar General to enter this order in the Adoption Register.
- vi. The Director Immigration is authorised to issue the child with a Kenyan Passport.
- vii. The Guardian Ad litem is discharged.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY ON 21ST NOVEMBER, 2024.

P. NYAUNDI

JUDGE

In presence of: -

Fardosa Court Assistant

Haggai holding brief for Ms. Githogori Advocate for the Applicant

