



**In re Adoption of JNO (Adoption Cause E116 of 2024)  
[2024] KEHC 14196 (KLR) (Family) (14 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 14196 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E116 OF 2024**

**SN RIECHI, J**

**NOVEMBER 14, 2024**

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF JNO**

**IN THE MATTER OF**

**MATTHEUS KITOLO KIMUYU ..... 1<sup>ST</sup> APPLICANT**

**PETRINADE MULWA ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants, MKK and PMM are in a monogamous marriage which was solemnized on 5<sup>th</sup> August 2024 in Texas, County of Denton as evidenced by a copy of their marriage license serial number 188986 attached to the summons.
2. The 1<sup>st</sup> applicant is a Kenyan/American Citizen aged 50 years old born on 9<sup>th</sup> September 1974 as evidenced by a copy of his National Identification Card number 33XXXX34 and passport number AXXXXX92 attached to the summons. The 2<sup>nd</sup> applicant is a Kenyan/American Citizen aged 46 years old born on 4<sup>th</sup> March 1978 as evidenced by a copy of her national identification card number 2XXXXX20 attached to the application. Both have dual Kenyan and American citizenship.
3. The applicants now wish to adopt a female child known as JNO born on 11<sup>th</sup> March 2007 who is a niece to the 1<sup>st</sup> applicant as evidenced by attached copy of the child's birth certificate serial number 47XXX6 through the Originating Summons dated 23<sup>rd</sup> May 2024.
4. From the pleadings, the court finds that the 1<sup>st</sup> applicant is an IT Business Intelligence Analyst employed by First Energy. The 2<sup>nd</sup> Applicant is a nurse employed by Sunrise. The applicants reside in Machakos and Texas in the United States. The applicants profess Christian faith.
5. The evidence on record indicate that the minor was born on 11<sup>th</sup> March 2017 to her biological mother JMK. The child's mother died on the 28<sup>th</sup> March, 2007 as evidenced by a copy of her death certificate



serial number 5XXX7 attached to the summons. The minor's father, Orobosa Osa Omere whereabouts is unknown and he has never been involved in the care and upbringing of the child.

6. The applicants stated that the child's grandparents JKN and AKN took the minor in and provided for her needs until their demise on 7<sup>th</sup> July 2017 and 13<sup>th</sup> September 2020 respectively as evidenced by copies of their death certificates serial numbers 0XXXX45 and 09XXX77 attached to the application.
7. The applicants stated they have been taking care of the minor and meeting all her needs appropriately and they have accepted her as their own daughter.
8. Prior to the hearing of the adoption application, Change Trust Adoption Society prepared and filed a report dated 29<sup>th</sup> March 2024. They also issued a Certificate serial number 0XXX5 declaring the child free for adoption as evidenced by the copies of report and certificate declaring a child free for Adoption attached to the application.
9. 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.
10. 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.
11. 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.
12. The guardian *ad litem* Ms. JNK filed a report dated 14<sup>th</sup> June 2024 which was favourable and recommended the adoption of the child by the Applicants.
13. Ms. Damaris Kobonah, Children Officer, Milimani Children Court 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 12<sup>th</sup> August 2021 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
14. The legal guardians BKK and JNN consented to be appointed as legal guardian of the child and they filed letters of consent attached to the application.
15. 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.
16. 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 23<sup>rd</sup> May 2024 and Order as follows:
  - i. The Applicants MKK and PM are hereby allowed to adopt JNK
  - ii. BKK and JNN are hereby appointed the legal guardians of the child.
  - iii. The Registrar General is directed to enter this Order in the Adopted Children Registry.
  - iv. The guardian *ad litem* is hereby discharged.

**DELIVERED AT NAIROBI THIS 14TH DAY OF NOVEMBER, 2024**



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

