



REPUBLIC OF KENYA



KENYA LAW
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**In re NA alias MW (Minor) (Adoption Cause E001 of 2024)
[2024] KEHC 16665 (KLR) (13 November 2024) (Judgment)**

Neutral citation: [2024] KEHC 16665 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
ADOPTION CAUSE E001 OF 2024
PN GICHOHI, J
NOVEMBER 13, 2024**

IN THE MATTER OF AN APPLICATION FOR ADOPTION OF MINOR (NA ALIAS MW)

JUDGMENT

1. By an Originating Summons dated 25th January 2024, the Applicant LWK moved this Court seeking that:
 1. She be authorised to adopt the child NA and that the said child be henceforth called MW.
 2. The child be presumed to be a Kenyan Citizen having been born in Kenya.
 3. The Registrar – General do make appropriate entries in the Adopted Children’s Register in respect of the minor and further the Registrar of Births and Deaths do issue a Birth Certificate in respect thereof.
 4. The guardian ad litem JWM be discharged and AWK be appointed as the legal guardian of the minor herein in event that the Applicant herein is in any way incapacitated or in any way unable to discharge her parental obligations.
 5. The court does issue such other orders as may be necessary in the best interest of the child.
2. The grounds are on the face of the application supported by the affidavit sworn by the Applicant on 25th January 2024. She states that the biological mother offered the minor for adoption on 18th August 2019 and that the minor was admitted at Angel Centre Dagoreti on 15th August 2019 and committed at Nairobi Children’s Court on 5th November 2022.
3. It is her statement that she is a Kenyan citizen by birth, having been born in 1972, is of African descent, domiciled in Kenya and lives at Syokimau in Nakuru. She further states that she is not married and does not have any biological child of her own but she has another child namely IW through adoption.
4. She depones that the minor she wishes to adopt is female, a Kenyan by birth having been born on 7th August 2019 and is of African descent. She declares that the child has not received or agreed to



receive and no person has made or given or agreed to make any payment or reward in consideration of adoption.

5. It is her further declaration that she has not made an application for adoption order in respect of the same child before any court. Further, she depones that the biological mother has consented to the child being offered for adoption and that child has been declared free for adoption by Change Trust.
6. She states that she wants to ensure that the child is brought up in a safe and conducive environment and with access to all her economic and social needs.
7. During hearing, Ms Gathecha Advocate for the Applicant availed the Applicant herein, the minor (NA), JWM (earlier appointed as guardian ad litem by this Court) and AWK (the intended legal guardian).
8. The Applicant told the court that she has lived with NA for 2 years that the two of them have bonded very well. She also explained that her earlier adopted child is now aged 7 years and that NA has bonded very well with her too.
9. JWM told the Court that she was a friend to the Applicant and the legal guardian too who is a sister to the Applicant. She urged to be discharged.
10. On her part, AWK told the court that the Applicant was her sister. She demonstrated in Court that he understood her role and that in event the Applicant was not there, she will take care of the child.
11. It was also intimated to this Court that the child is now turning four (4) years hence the need to enrol her in school.

Determination

12. This Court has considered the Application and the annexures thereto. On the onset, it was evident to this Court that the child herein and the Applicant are very close. The bond between them cannot be doubted.
13. The documents availed as exhibits before this Court show that the Applicant has followed all the steps toward realisation of her desire to adopt this child. The documents before Nairobi Senior Resident Magistrates Court reveal the start of the adoption process. The Report from Change Trust reveals the biological mother's desire to have the child adopted. The child was declared free for adoption.
14. The Applicant is the sole Applicant, her age and that of the minor fit the requirements in regard to age under Section 186 of the *Children Act* 2022. Having followed all due process, the Children Services and officers from KKPI Adoption Services found the Applicant suitable to adopt the child.
15. This Court is therefore satisfied that from evidence herein, the Applicant's quest is in the best interest of this child. In the circumstances, the court makes the following orders: -
 1. The Applicant LWK be and is hereby authorised to adopt the child NA.
 2. The child be and is hereby declared a Kenyan Citizen having been in Kenya.
 3. The child NA will henceforth be called MW
 4. The Registrar- General is directed to enter this adoption in the Adopted Children Register.
 5. Registrar of Births and Deaths be and is hereby directed to issue a Birth Certificate in respect thereof.



6. AWK be and is hereby appointed as the legal guardian of the minor herein in event that the Applicant herein is in any way incapacitated or in any way unable to discharge her parental obligations.
7. The guardian ad litem JWM be and is hereby discharged.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 13TH DAY OF NOVEMBER, 2024.

PATRICIA GICHOHI

JUDGE

In the presence of:

Ms Gathecha for Applicant

LWK - Applicant

Ruto, Court Assistant

