



In re Application for Adoption of NN (Child) (Adoption Cause E014 of 2023) [2025] KEHC 16840 (KLR) (14 November 2025) (Judgment)

Neutral citation: [2025] KEHC 16840 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E014 OF 2023
A MSHILA, J
NOVEMBER 14, 2025
IN THE MATTER OF THE CHILDREN’S ACT
AND
IN THE MATTER OF APPLICATION FOR ADOPTION ORDER OF NN (A CHILD)
IN THE MATTER OF
NGM APPLICANT**

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 31st March, 2023; and is premised under the provisions of Sections 183, 184, 185, 186, 187, 188, 194 and 195 of the [Children’s Act 2022](#); and all other enabling provisions of the law; the Applicant seeks the following Orders;
 - a. That the Applicant be authorized to legally adopt NN (Child) so that he takes joint custody and/or guardianship with TWM;
 - b. That JNM be appointed as *guardian ad litem* of NN
 - c. That Director Children’s Services do investigate the fitness or otherwise of the applicant NGM to adopt the child NN and file a report.
 - d. That the applicant NGM do file a report from a registered adoption society in Kenya to confirm whether the child NN is fit for adoption.
 - e. That the applicant NGM be at liberty to remove the child NN from the jurisdiction of this country and live with her in the USA where the applicant is residing so that the child can continue with her education in the USA.
 - f. That the Registrar General do make the appropriate entry of NN in the Adopted Children’s Register.



2. The application was supported by an Affidavit made by the Applicant; the *guardian ad litem* JNM was appointed on the 8th May, 2025; This Court directed the Director of Children’s Services and the *guardian ad litem* to carry out a home visit and do investigations and to file their respective Reports.
3. After visiting and interrogating the Applicant the Thika West Sub-County Children’s Office and the *guardian ad litem* filed their respective Reports. The reports were duly filed in Court and are dated 22nd September, 2025 and 1st October, 2025; and both reports made a finding that the Applicant had met all the pre-requisites for adoption; The Reports as filed are found to be favourable to the suitability of the Applicant adopting the child.
4. NN who is female was born on 27TH December, 2007 and is the daughter to TWM a single parent. The child’s biological father’s whereabouts are unknown having been separated with the mother long before the child was born.
5. The biological parent has given up her daughter for adoption to the Applicant who will now become her adoptive parent or step-father as they both believe it is in the best interest of the child.
6. After reading and taking into consideration the contents of these Reports this court notes that the Applicant is a Kenyan citizen; the Applicant and the biological mother of the child solemnized their marriage on the 6th January, 2023 at the Office of the Registrar of Marriages, Nairobi as evidenced by the copy of the attached Certificate of Marriage Serial No. 54XXXX; at the time of filing this application the prospective adoptive parent NGM was aged 35 years and the minor is aged 17 years.
7. On the issue of the age of the prospective adoptive parent the applicable law is found at Section 186 (2) (b) of the new [Children’s Act](#) and it reads as follows;
 - (2) The court shall not make an adoption order in any case unless -
 - (b) the applicant or both of the applicants in a joint application is more than twenty- one years older than the child.
8. As the child’s mother is involved in the adoption process and is not giving up her parental rights the restriction in the subsection (2) shall not be applicable; therefore, the age of the Applicant falls within the prescribed legal parameters.
9. NGM is employed as a nurse; and he has attached copies of his pay-slips and Bank Statements to prove his financial capability to support NN when he assumes responsibility of her upbringing, were produced into Court. A Certificate of Good Conduct was produced into Court but it is noted that it is not current as it is for the year 2022 ;
10. The Consent to the adoption by the biological father of the child is dispensed with as his whereabouts are unknown. The child’s biological mother is now married to the Applicant and she has willingly offered and consented to the adoption vide her Written Consent Letter dated. The applicable law is found at Section 186 (8) which reads as follows;
 - " Subject to the provisions of this section an application for an adoption order in respect of a child shall be accompanied by written consents of the following persons;
 - a. A parent or guardian of the child, or any person who is liable by virtue of any order of agreement to contribute to the maintenance of the child."



11. This Court has perused the written consent by the biological parent dated 26/06/2024 which is a mandatory prerequisite and finds the consent to be in order. The child who is aged Seventeen (17) years has annexed her written consent to this application.
12. This Court is satisfied that the Applicant has satisfied most pre-requisites for adoption orders sought to be granted; the most important being Declaration Certificate that the child has been declared free for adoption by a Children's Agency. The Applicant has also not annexed a current Police Clearance Certificate but will be given the benefit of doubt.

Findings & Determination

13. For the forgoing reasons this court finds that the application for kinship adoption is found to be in the best interest of the child and it is hereby allowed as follows;
14. The Applicant is hereby authorized to adopt NN; she shall be known as NN;
15. That NN be presumed to be a Kenyan citizen;
16. The Registrar General is hereby directed to enter this adoption order of NN in the Adopted Children's Register;
17. The *guardian ad litem* JNM is hereby discharged and is hereby appointed as next of kin and legal guardian to NN until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 14TH DAY OF NOVEMBER, 2025.

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A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Mugo– for Applicant

