



**In re SKW aka SK (Child) (Adoption Cause E138 of 2025)  
[2025] KEHC 17435 (KLR) (Family) (28 November 2025) (Judgment)**

Neutral citation: [2025] KEHC 17435 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E138 OF 2025**

**PM NYAUNDI, J**

**NOVEMBER 28, 2025**

**IN THE MATTER OF THE CHILDREN'S ACT CAP 141 (REVISED EDITION 2022)**

**AND IN THE MATTER OF AN APPLICATION  
FOR ADOPTION OF BABY SKW AKA SK (CHILD)**

**IN THE MATTER OF**

**TCW ..... APPLICANT**

**JUDGMENT**

1. Vide Originating Summons, dated 22nd August, 2025 the Applicant herein seek the following orders, That:-
  - i. He be authorized to adopt Baby SKW Aka SK (child) To Be Known As ZWT.
  - ii. Upon the making of the Adoption Order, the child herein Aka SK (child) Be Known As SKW.
  - iii. The child be presumed to be a Kenyan Citizen having been born in Kenya at the time of birth.
  - iv. The Registrar-General do make the 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.
  - v. TKT Be Appointed As Legal Guardian Of SKW in the event of death or any eventuality befalling the Applicant.
  - vi. Upon the appointment of the Legal Guardian, the Guardian Ad litem be discharged.
  - vii. Costs of this application be in cause.



2. The Applicant is a Kenyan Citizen residing in Nairobi County. He is married to KWN. He is in gainful employment. He is a teacher by profession. The minor is his wife's son. He has lived with the child for 2 years. They have been blessed with 2 other adult children who are aware of the adoption proceedings. Both are registered nurses working at Alberta Health Services, Lethbridge. They are married couple having solemnized their union on 10th August 2019, through a Civil Marriage that was celebrated in Lethbridge as per the annexed copy of marriage certificate serial number XXXXXX. He understands the implications of the adoption order, he is aware that the child will have full rights as would a biological child and the order is not reversible.
3. Baby SKW Aka SK (child) (the child herein) is presumed to have been born on 26<sup>th</sup> March, 2017 to KWN as evidenced by birth certificate entry number 0XXXXXXXX5. It is said that minor's biological father has never been involved in the child's life and his current whereabouts are unknown. The child is 8 years old.
4. It's Applicant's statement that he approached Kenya Children's Home Adoption Society. He was interviewed together with his wife to determine her understanding of adoption process, a comprehensive counselling was conducted. They were taken through an explanatory memorandum where they signed the Certificate of Acknowledgement dated 20th February 2025,
5. Thereafter, Kenya Children's Home Adoption Society through their case committee meeting that was held on 19th March, 2025 approved and confirmed that they had assessed the Applicant and found him suitable adoptive parent and further that the adoption would be in the child's best interest therefore declared the child free for adoption vide certificate serial Number 1056.
6. All the Statutory Reports from the Adoption Society, a report filed on 15th September, 2025 by Nancy Waswa, County Coordinator Children Services as well as a report from Moureen Wangechi Mihingo a Guardian Adlitem dated 2nd September, 2025 been filed in respect of the proposed adoption of the child by the Applicant has recommended this Court allows the Applicant to adopt the child. This being a Kinship adoption where the child is being adopted by his father, it will be in the best interest of the child. Consequently, the Applicant has met the legal requirements for Kinship adoption as stipulated by the *Children Act*. He is financially stable to take good care of the child. He is mentally sound. The Applicant is clear of any criminal claims thus the Officer recommending the adoption process.
7. TKT brother to the Applicant, averred that he consented to be the legal guardian for the minor. He understands the legal implications and he will assume full parental responsibility in the event the Applicant is unable to discharge his responsibilities.
8. Subsequently, the court interviewed the child and observed a strong bond between the child and the Applicant.

### **Determination**

9. 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.
  - (2) The court shall not make an adoption order in any case unless-



- i. the applicant has attained the age of twenty-five years, but is not above the age of sixty-five years; and
    - ii. The applicant, or both of the applicants in a joint application, is more than twenty-one years older than the child.
  - (3) The restrictions in subsection (2) shall not apply in any case where a sole applicant or one of the joint applicants is the mother, father, or relative of the child.
  10. 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.
  11. It is evident that the Applicant has fulfilled all the legal requirements of a Kinship Adoption as required under Section 193 of the Children’s Act, 2022. The guiding principle remains in the best interests of the child pursuant to Section 8 and 194 (1) (c) of the Children’s Act Cap 141 of the Laws of Kenya. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. All the necessary Reports and consents required for this Adoption have been filed.
  12. Article 14 (4) of *the Constitution* of Kenya 2010 provides that: -

“(4)A child found in Kenya who is, or appears to be less than eight years of age and whose nationality and parents are not known, is presumed to be a citizen by Birth.”
  13. This Court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the application with Orders that;
    - a. The Applicant, Cepha Wambugu Thiong’o Is Hereby Allowed To Adopt Baby SKW Aka SK (child).
    - b. Henceforth, the child shall be known as SKW.
    - c. His date of birth shall be 26<sup>th</sup> March, 2017.
    - d. He is presumed to be a Citizen of Kenya by birth.
    - e. TKT is hereby appointed as Legal Guardian of the child.
    - f. The Registrar General to enter this order in the Adoption Children Register.
    - g. The Registrar General to issue a Birth Certificate in respect of the child.
    - h. The Director Immigration is authorised to issue the child with a Kenyan Passport.
    - i. The guardian ad litem is hereby discharged.
- It is so ordered.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 28<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**P. M NYAUNDI**

**JUDGE**

In the presence of:



Fardosa Court Assistant  
Ms. Basuma for Applicant

