



In re Application for Kinship Adoption of BW (Minor) (Adoption Cause E142 of 2025) [2025] KEHC 18109 (KLR) (Family) (5 December 2025) (Judgment)

Neutral citation: [2025] KEHC 18109 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E142 OF 2025
H NAMISI, J
DECEMBER 5, 2025
IN THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA
AND
IN THE MATTER OF BW (MINOR)
AND
IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION
IN THE MATTER OF
MNK APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 23 May 2025, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the Applicant be authorised to adopt the said minor BW;
 - ii. That the Minor’s name, BW, be changed to BWN;
 - iii. That the Registrar-General do make the appropriate entries in the Adopted Children’s Register in respect of the minor;
 - iv. That the Registrar of Births and Deaths do issue an amended Certificate of Birth in respect of the amended name of the minor thereof;
 - v. That MKM be appointed to be the minor’s legal guardian in the event of death or incapacity of the Applicant before she is of full age and fully self-reliant;



- vi. Tjay the Guardian ad litem be discharged;
 - vii. That the Court does issue such other orders as may be necessary in the best interest of the minor;
2. The matter was canvassed by way of viva voce evidence on the virtual platform on 23 October 2025.

The Child

3. The child (female) was born on 8 May 2012 to BNK and HWK. Her mother left the child behind when the child was about 1.5 years old, and went to Lebanon. 2 years later, the father also left for Qatar and after a few years, was incommunicado. His whereabouts are unknown despite the family's efforts to look for him. The child was left under the care of her paternal grandmother, Margaret Kanini, who is a casual labourer. The Applicant took over parental responsibility over the child since the child was 3 years old.
4. The child, who is 13 years old, appeared before the Court to confirm her consent to the adoption. A consent dated 28 March 2025 is attached to the Application. She is currently enrolled at Namu School, in grade 8. She confirmed that she lives with her grandmother. The child appeared happy and excited about the adoption and the prospects of relocating to Germany.

The Applicant

5. The Applicant is a Kenyan citizen, residing in Germany. She is single, with two children from a previous relationship. The children are aged 7 and 6 years, respectively. The child herein is her niece, a daughter to her brother, Benson Ngite. She is a registered Nurse.
6. The Applicant confirmed that she has been taking care of the child since she was 1.5 years old. The Applicant stated that she would like to give the child a good future, and a sense of family. She observed that there are many opportunities in Germany for the child to build her life. The Applicant confirmed that the last time she spoke to her brother, the child's biological father, was in 2013. She does not know his whereabouts.
7. The Applicant presented copies of Bank statements and Police Clearance certificates all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These disclose that the Applicant is financially, socially, physically and mentally fit to adopt the child.
8. The Applicant confirmed that she understood that an adoption order is irreversible.
9. Additionally, pursuant to section 195 of the *Children Act*, the Applicant provided consent from MKM, the child's grandmother, agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicant. The proposed legal guardian resides in Nairobi.

The Biological Parents

10. BNK and HWK are the child's biological father and mother, respectively. According to their family, their whereabouts are unknown.
11. Based on the foregoing, I, therefore, dispense with the requirement for the consent of the biological parents.



The Adoption Approval Process

12. Change Trust Adoption Society conducted an assessment of the Applicant and sought the consent of the child and her paternal grandmother. The Agency filed its report dated 5 April 2025 recommending the adoption of the child. The child was declared free for adoption by the Adoption Society vide a Certificate of Declaring a Child Free for Adoption serial number 0800.
13. On 19 June 2025, the Court issued an order appointing A.W.K as the child's Guardian ad Litem, and further directing the Guardian ad Litem and Director of Children's Services to investigate the suitability and fitness of the Applicant and subsequently file their respective reports.
14. The Guardian ad Litem filed her report dated 19 September 2025, noting that the adoption is in the best interests of the child. The Directorate of Children's Services, Nairobi County filed its report dated 11 August 2025, recommending the adoption of the child by the Applicant herein.
15. Section 186(5) of the *Children Act* provides:

The Court shall not make an adoption order in favour of the following persons unless the Court is satisfied on reasons to be stated on the record that there are special circumstances that warrant the making of the adoption order an applicant or joint applicants who has, or both have, attained the age of sixty-five years
16. Section 193(1) of the *Children Act* provides that kinship adoption order may only be made in favour of a relative of the child. In this instance, the Applicant is the paternal aunt of the child.
17. In view of the foregoing, the Court is satisfied that:
 - i. The proposed adoption is a kinship adoption, meaning that the child will continue to be within the family.
 - ii. The adoption will be in the best interest of the child; and
 - iii. The Applicant has been approved as prospective adoptive parent by competent social workers through a duly registered Adoption Society under the Department of Children Services, thus she is able to effectively handle her parental responsibilities.
18. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
 - i. The Applicant, M.N.K, is hereby authorised to adopted the child known as B.W, who shall henceforth be named B.W.N;
 - ii. The Registrar General is directed to enter this Order in the Adopted Children's Register and to issue a Certificate to that effect;
 - iii. The Registrar of Births and Deaths is directed to issue an amended Certificate of Birth in respect of the amended name of the child;
 - iv. The Director Immigration is hereby directed to issue the child with a Kenyan passport
 - v. The Guardian *ad Litem* is hereby discharged;
 - vi. M.K.M is hereby appointed as the legal guardian of the child.

DATED AND DELIVERED AT NAIROBI THIS 5 DAY OF DECEMBER 2025

HELENE R. NAMISI



JUDGE OF THE HIGH COURT

Delivered on a virtual platform in the presence of

Applicant: Mr. Ndirangu

Court Assistant : Lucy Mwangi

