



**JG v KKPI Adoption Society (Adoption Cause E001 of 2024)
[2025] KEHC 19040 (KLR) (9 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 19040 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
ADOPTION CAUSE E001 OF 2024
TA ODERA, J
DECEMBER 9, 2025**

BETWEEN

JG APPLICANT

AND

KKPI ADOPTION SOCIETY RESPONDENT

JUDGMENT

1. The applicants herein moved this court by way of an originating summons dated 28.9.23 seeking the following orders: -
 - a. That the court declare baby AM as a Kenyan citizen by birth.
 - b. That the court dispenses with requirements for adoption under section 187 of the *Children Act* 2022.
 - c. That JG be allowed to adopt baby AM
 - d. That upon making of the adoption orders, the child be known as AK
 - e. They upon making the adoption orders SOG & NMM be appointed legal guardians of the child under Section 195 of the *Children Act*.
 - f. She prayed that upon making the adoption order, the Registrar general do make an entry recording the adoption and the estimated date of birth of the child as 28.6.19 in the Adopted Children Register as provided for under Section 201 of the *Children Act*. Applicants be issued with an Adoption certificate and the names of the adopted minor be entered in the register of adoptions.
 - g. That costs of this application be provided for.



2. The Application is supported by the verifying affidavit of the applicant herein dated 28.9.23 in which she adopted her statement under oath dated 28.9.23 filed herein. She also testified herein as PW1 stated that she is a citizen of Kenya aged 49 identified by ID No XXXXXXXXX JG showing she was born in 1976 -JG 2 and a resident of Kisii county. Also, that she is financially stable to take care of the child, she verified the correctness of the originating summons and statement filed herein. Further that the guardians are well known to her sister-in-law and brother and they have no interest adverse to that of the child herein and that they are financially endowed and hence will be able to take care of the child in the event of her demise or incapacitation. She said is ready and willing to adopt the child. Also, that she is a business lady and thus a person of means.
3. The child was availed in court on 24.3.25 and she recognized the applicant as the mother.
4. PW4 SOG told this that he and his wife have agreed to be legal guardians to the child herein as per their affidavit filed herein and they understood the import of that affidavit and their obligations as legal guardians.
5. PW2 Ms. Beatrice Bitutu is the regional coordinator of Children Services in Nyanza region. She was previously the Kisii County Children coordinator she is the maker of the children officer's report filed herein.
6. Jackline Wambui Mwangi is an officer from KKPI adoption Agency based in Nairobi. She said their society made the report herein dated 29.9.21 and filed a certificate declaring the child free for adoption.

Analysis and Determination

7. I have considered the originating summons before me the evidence on record as well as the various requisite reports filed herein.
8. The Subject child herein was born on or about June 2019. She was abandoned at Lurambi AP camp on 29.6.19, by an unknown person. The matter was reported to Kakamega police station and the child was later committed to PEFA Rehema Home on 8.8.19. The child is about 6 years old and thus is above the statutory age of 6 weeks under Section 184 (1) (b) of the Act. He was declared free for adoption vide the report of the Kenya to Kenyans Initiative Adoption Society declared her free for adoption on 25.11.20. The Kisii County Children Coordinator vide their undated report filed herein on 6.12.24.
9. The parents to the child are unknown and no claim has been made on him as it was a case of abandonment.
10. On whether the applicant is fit to adopt the child herein. The applicant is a citizen of Kenya as evidence by her national identity card which indicate that she was born in the years 1976. Section 186 of the Children Act provides that for one to qualify to adopt a child, he must be between the age of 25 and 65 years old. The applicants is thus within the legal age limit for adoption under the Act.
11. It has emerged that the applicant a single business lady who was previously employed by Nyamagwa secondary school but she is now carrying on her retail shop business in Ogembo trading Centre within Kisii County within the Republic of Kenya. The applicant has established that she is able to provide for the needs of the child and she has no interest adverse to that of the child and that she has had custody of the child since the year 2021. The herein child was availed in court and I noted that she looked well kempt, cheerful and she has bonded well with the applicant.
12. I have seen the supporting documents filed herein and it is clear that back ground checks were done on the applicants by the police, children department, the adoption agency report which found that she is a person of good character and will be able to raise the child well.



13. In the upshot, I find that the applicant has established that she will provide the child with privileged education and upbringing within the warmth of a family. They are thus able and fit to adopt the child herein in her best interest
14. I allow the originating summons dated 28.9.23 and I proceed to make the following orders in the best interest of the child herein:
 - a. That That and is hereby authorized to adopt the Child
 - b. That the subject AM be henceforth known as AMAK.
 - c. That the applicant be issued with an adoption certificate and the names of the adopted child be entered into the register of adoption.
 - d. JM is discharged from being *guardian ad litem* herein.
 - e. SOG & NMM are hereby appointed as legal guardian of the said.
 - f. Costs in the cause.

DELIVERED VIRTUALLY VIA TEAMS PLATFORM ON THIS 9TH DAY OF DECEMBER, 2025.

T. A ODERA

JUDGE

In the presence of:

Applicants: Absent

Counsel: Absent

Court Assistant - Matiko

