



REPUBLIC OF KENYA



**In re CA (Minor) (Adoption Cause E019 of 2026)
[2026] KEHC 2875 (KLR) (Family) (6 March 2026) (Judgment)**

Neutral citation: [2026] KEHC 2875 (KLR)

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

FAMILY

ADOPTION CAUSE E019 OF 2026

PM NYAUNDI, J

MARCH 6, 2026

IN THE MATTER OF THE CHILDREN ACT 2022

IN THE MATTER OF

EO APPLICANT

JUDGMENT

1. Vide Originating Summons, dated 30th January, 2026 the Applicant herein seek the following orders, That:-
 - i. PMW be appointed as Legal Guardian of the minor CA.
 - ii. The Guardian Ad litem be discharged.
 - iii. The Applicant be authorized to legally adopt CA (herein referred to for all common interest and purposes as the minor) who will be known by the same name CAO.
 - iv. The Registrar General be directed to enter this adoption in the adoption register.
2. The Applicant holds dual citizenship of Kenya and the United States. He resides in Virginia Beach, Virginia, United States. The Applicant works with the US Navy; he is financially stable and able to take good care of the child. He is not married, but he has a biological daughter that he coparents with the mother. The minor is his niece. Minor's parents are the Applicant's cousins.
3. The Applicant's desire is to give the minor a better life and expose her to better opportunities, to raise her in a loving family and home, instill positive values and virtues for her well-being, and to bring her up to be a successful and responsible child. He understands the legal implications of the adoption order as he is aware that the child will have full rights as would a biological child and the order is not reversible. The child is 17 years old.



4. CA Aka CNA (a female minor herein) is presumed to have been born on 5th April 2008, to ANM and MOM as per the annexed copy of the birth certificate. The child is a form three student at [particulars withheld] Secondary School. The Applicant averred that the reason for the adoption of the minor is that the biological parents are incapable of providing for the minor.
5. Subsequently, the Applicant has been looking after the minor for the longest time by paying for education and providing the minor with basic needs, including medical bills and monitoring the minor's performance in school, which developed and maintained a very strong child-parent relationship between the two.
6. The Applicant, minor, and minor's parents approached the KKPI Adoption Society, they were taken through an explanatory memorandum and their duly signed Certificate of Acknowledgement as well as consent were obtained on 12th November, 2024. That on 27th November 2024, the adoption society Committee prepared a declaration report and issued a Certificate declaring the child free for adoption vide Freeing Certificate Serial Number 1023 with accordance with Section 193 (1) (a) of the *Children Act*, 2022.
7. Thereafter, KKPI Adoption Services submitted a report in respect of the proposed adoption of the child by the Applicant, recommending that this Court allow the Applicant to adopt the child. Report dated 4th March, 2025, from Children's Officer stating that it is noted that the Applicant is a sole male; however, the Applicant is related in terms of affinity with the child, hence qualified to adopt the child as per Section 186 (6) (e). Further, the Applicant is aware that he will undertake a further process to have the child legally his as per his employer's requirements in the USA. The Applicant is financially, mentally, and socially stable to provide good care for the child. The Applicant is clear of any criminal claim, as evidenced by Certificates of Good Conduct annexed PCC-YLT9VERP and PCC-JRSG6DARS. The Officer affirmed that the Applicant has met the legal requirements for Kinship adoption as stipulated by the *Children Act* 2022 thus recommended the adoption process.
8. PMW, a relative to the Applicant, consented to his appointment as Legal Guardian in the event the Applicant is unable to discharge his responsibilities, as he will assume full parental responsibility according to adoption orders.
9. The Court also interviewed the minor, and it was evident that the minor recognised the Applicant as her uncle. The minor was aware that she was in Court for Adoption proceedings, which she fully consented to.

Determination

10. After carefully assessing the records herein, I am satisfied that the Applicant has fulfilled all the legal requirements relating to the Child's adoption. 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.
11. 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.
12. The Court has evaluated the facts of this Kinship Adoption from the Reports filed. It is evident that the Applicant has fulfilled all the legal requirements. 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, evidence from Court and consents signed by Applicant, minor’s biological parents and minor for Adoption proceedings. 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, EO is hereby allowed to adopt minor CA.
 - b. Henceforth, the child shall be known as CAO.
 - c. Her date of birth shall be 5TH APRIL, 2008.
 - d. She is presumed to be a Citizen of Kenya by birth.
 - e. PMW 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 6TH DAY OF MARCH, 2026.

P. M. NYAUNDI

JUDGE

In the presence of:

Ng’alamoi Court Assistant

Ms. Achieng for Applicant

