



**In re SJA (Minor) (Adoption Cause E298 of 2025)  
[2026] KEHC 3694 (KLR) (Family) (19 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 3694 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E298 OF 2025**

**PM NYAUNDI, J**

**MARCH 19, 2026**

**IN THE MATTER OF THE CHILDREN ACT, 2022**

**AND**

**IN THE MATTER OF SJA (MINOR)**

**IN THE MATTER OF**

**POM ..... 1<sup>ST</sup> APPLICANT**

**GAA ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. Vide Originating Summons, dated 15<sup>th</sup> October 2025, the Applicant herein seeks the following orders, That:-
  - i. They be authorized to adopt SJA (minor) and the child's name shall remain who is to be known as SJA (minor).
  - ii. NAO And AAN be and are hereby appointed as the Legal Guardians of the child in the event a misfortune befalls the Applicant rendering her unavailable or incapable of taking care of the child.
  - iii. The child was born in Kenya of Kenyan parents and is therefore Kenyan by birth and is entitled to a Kenyan Passport or Kenyan National Identity Card.
2. The Applicants are a Kenyan Citizen married couple residing in Nairobi County. The 1<sup>st</sup> Applicant is a Finance Manager – Retail Banking in charge of Kenya, Uganda, Tanzania and Botswana while the 2<sup>nd</sup> Applicant is a business woman. They have the means to provide for the minor. The Applicants are motivated to adopt the minor to strengthen existing family bonds and to provide the child with a



stable, secure and nurturing environment. The minor is 12 years old. The Applicants understand the legal implications of the adoption order, they are aware that the minor will have full rights as would a biological child and the order is not reversible. The Applicants have been blessed with three biological children who are aware of the adoption process, they gave their verbal and written consents on the adoption process.

3. SJA (female minor herein) is presumed to have been born on 24th August, 2013 at Jaramogi Oginga Odinga Teaching and Referral Hospital in Kisumu to her late mother Everline Aluoch Adongo. The minor's biological father whereabouts remains unknown to the family. The minor remained under the care of her maternal Aunt GAA. Subsequently, the Applicants have been taking good care of the minor since the demise of the minor's mother and they desired to adopt the minor after having a family meeting to discuss the welfare of the minor.
4. Thereafter, the Aunt together with the Applicants approached the Kenya Children's Homes Adoption Society. The Aunt she made clear her intention of offering her niece for adoption, the assessment was made, she was taken through Explanatory Memorandum together with the Applicants and Certificate of Acknowledgment was obtained to confirm their understanding. Kenya Children's Homes Adoption Society through their committee sitting on 17<sup>th</sup> September, 2025 considered the circumstances of the minor and that they had assessed the Applicants and found them suitable adoptive parent and further that the adoption would be in the child's best interest therefore declared the child free for adoption vide freeing certificate Serial Number 1103 as pursuant to Section 156 (1) of the Children's Act 2022.
5. All Statutory reports filed in respect of the proposed adoption of the child by the Applicants have recommended that this Court allows the Applicants to adopt the child since they have been taking good care of the minor since the demise of her mother. Report from Principle Children's Officer, dated 26th January 2026, confirmed that the child has bonded well with the Applicants, the Applicants are socially, emotionally and financially able to take care of the child. The Applicants have met all legal requirements for kinship adoption as stipulated in the *Children Act* 2022. The Applicants are clear of any criminal claim as evidenced by police clearance certificates annexed therefore, recommending the adoption process.
6. JSA (Guardian Ad litem) presented a report dated 9th January 2026, in which during her visit, she observed the child has adapted well to the family set up environment, well fed, happy, well cared for and has bonded well with the Applicants as well as the Applicants' children. The child has a loving home thus recommending the adoption process.
7. Proposed Legal Guardians NAO And AAN Applicants' relatives testified in Court that they consented to be the legal guardians for the minor. They understand the legal implications and they will assume full parental responsibilities in the event the Applicants are unable to discharge their responsibilities.
8. The Court interviewed the child and it was evidenced that she was aware that she was in court for adoption process and consented to the same.

### **Determination**

9. After carefully assessing the records herein, I am satisfied that the Applicants have 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.
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 & Banjul Charter all amplify on the best interests of the child.
11. The Court has evaluated the facts of this Kinship Adoption from the Reports filed. It is evident that the Applicants have 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. The consent of the maternal Aunt of the minor was dispensed with since she willingly gave the child out for adoption by signing the consent form purporting the adoption proceedings. This Court has satisfied itself that the Applicants are 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 Applicants, POM And GAA 2 Are Hereby Allowed To Adopt The Minor SJA.
  - b. Henceforth, the minor shall be known as JSM.
  - c. Her date of birth shall be 24<sup>th</sup> August, 2012 At Jaramogi Oginga Odinga Teaching And Referral Hospital, Kisumu.
  - d. She is presumed to be a Citizen of Kenya by birth.
  - e. NAO And AAN are hereby appointed as Legal Guardians of the child.
  - f. The Registrar General to enter this order in the Adoption Children Register.
  - g. The Registrar General is authorised to issue a Birth Certificate to the child.
  - h. The Director of Immigration is authorised to issue a Kenyan Passport to the child.
  - i. The guardian ad litem is hereby discharged.
- It is so ordered.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 19<sup>TH</sup> DAY OF MARCH, 2026.**



**P. NYAUNDI**

**JUDGE**

In the presence of:

Ng'alamoi Court Assistant

No appearance by parties

