



**In re Baby NKK aka NKN (Adoption Cause E006 of 2024)  
[2025] KEHC 3176 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3176 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E006 OF 2024  
SN RIECHI, J  
FEBRUARY 27, 2025  
IN THE MATTER OF THE CHILDREN’S ACT (NO. 8 OF 2022)  
AND  
IN THE MATTER OF ADOPTION OF BABY NK KIOKO AKA NKN**

**IN THE MATTER OF**

**PNE ..... 1<sup>ST</sup> APPLICANT  
CNM ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. The Applicants PNE and CNM are in a monogamous marriage which was solemnized on 26<sup>th</sup> November 2005 at Deliverance Church in BuruBuru as evidenced by a copy of their marriage certificate serial number 534XXX attached to the application.
2. Vide Originating Summons application dated 12<sup>th</sup> January 2024 the Applicants are seeking orders that;
  - i. That the Applicants be authorized to adopt Baby NKM to be known as NKM
  - ii. That the child’s date of birth be declared to be 27<sup>th</sup> September,2016 and her place of birth to be declared to be South B Hospital, Nairobi County.
  - iii. That the biological mother of the minor is deceased and the biological father has given consent to the adoption.
  - iv. That PI and RM may be appointed the legal guardians of the child.
  - v. That the minor be declared to be a Kenyan Citizen.



- vi. That the child be presumed a Kenyan Citizen by birth.
- vii. That the Registrar General be directed to enter the adoption in the Adopted Children Register.
3. The application is premised on the grounds that the orders sought are in the best interest of the child and further grounds set out in the statement and affidavit of the applicants.
4. From the pleadings, the court notes that the 1<sup>st</sup> applicant is a Kenyan Citizen born on 17<sup>th</sup> February 1975 and the 2<sup>nd</sup> applicant is Kenyan citizen born on 5<sup>th</sup> April 1980 as evidenced by their respective identification cards attached to the application. The applicants attached copies of their national identification cards in support. The applicants therefore meet the age requirement to adopt the child under Section 182 of the *Children's Act*.
5. From evidence on record the 1<sup>st</sup> applicant is a Transit operator by profession and works for King Country as a bus operator while the 2<sup>nd</sup> Applicant is an administrator by profession and employed by a company known as Absolute Scales(K) LTD. The applicants are financially stable as evidenced by copies of their financial statements attached to the application and thus able to provide fully for the child.
6. The 1<sup>st</sup> applicant reside in Takoma, Washington, U.S.A while the 2<sup>nd</sup> Applicant reside in Buruburu Phase 2. The applicants profess Christian faith.
7. The evidence before court indicate that the child was born to biological mother FME and biological father DKK .
8. The child's mother FME died on 14<sup>th</sup> May 2022 of sepsis due to acute peritonitis due to post ureteral injury repair as evidenced by a copy of the death certificate serial number 1411XXX attached to the application.
9. The evidence on record indicate that the 1<sup>st</sup> applicant is the maternal uncle of the child and he and his wife, 2<sup>nd</sup> applicant wish to adopt the child so that the child can access parental care of a mother and father.
10. The applicants stated that they also have three biological children namely NW, RM and TIN as evidenced by copies of their birth certificates attached to the summons.
11. The applicants stated that they have contributed to the child's well-being since biological mother passed on and the child has been under continuous care and custody of the applicants.
12. The applicants stated that they have sufficient family income, finances and assets to enable them take good care of the child.
13. The applicants stated that DKK is the biological father of the child and consented to the adoption of the child as evidenced by a copy of affidavit sworn by him on 14<sup>th</sup> November 2023 attached to the summons.
14. The applicants stated that the child's father has not received or agreed to receive, and no person has made or given or agreed to make to them any payment or reward in consideration of the proposed adoption.
15. The biological children of the applicant have consented to the adoption and they have filed letters of consent dated 8<sup>th</sup> November 2025 attached to the application.
16. The applicant stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.



17. Prior to the hearing of the adoption application, Kenya Children’s Homes prepared and filed a report dated 3<sup>rd</sup> April 2024 and also issued a Certificate Serial No.941 declaring the child free for adoption.
18. The guardian *ad litem* EMO prepared and filed a report dated 24.3.2024 attached to the application which was favorable and recommended the adoption of the child by the Applicants.
19. PI E consented to be appointed as the legal guardian of the child and filed a consent as evidenced by a copy of his consent attached to the summons.
20. Winfred Ikinya,assistant director from the office of the Director of Children Services conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child. She filed a report dated 2.4.2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
21. This is a kinship adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological mother was dispensed with since the child’s mother is deceased and the biological father DKK consented to the adoption.
22. The child was in court during the hearing and appeared to have bonded well with the Applicants.
23. I have examined the evidence herein and best interest of the child as required by Article 53 (2) of the Constitution and Section 8 the Children’s Act,2022. Consequently, I find it is in the best interest of the child that she is adopted by the Applicants. I grant the prayers sought in the Originating Summons dated 12<sup>th</sup> January 2024 and Order as follows:
  - i. The Applicants PNE and CNM are hereby allowed to adopt Baby NKK who shall henceforth be known as NKM.
  - ii. Her date of birth shall be 27<sup>th</sup> September,2016 and her palce of birth shall be South B Hospital, Nairobi County.
  - iii. She is presumed to have been born in Kenya in accordance with Article 14(4) of the Constitution.
  - iv. PI is hereby appointed as the legal guardian of the child.
  - v. The Registrar General is directed to enter this Order in the Adopted Children Registry.
  - vi. The guardian *ad litem* is hereby discharged.

**DATED AT NAIROBI THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2025**

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**S.N.RIECHI**

