



**In re CMW (Minor) (Adoption Cause E053 of 2024)
[2025] KEHC 1731 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 1731 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E053 OF 2024
H NAMISI, J
FEBRUARY 27, 2025**

IN THE MATTER OF

GMW APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 6 February 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. (spent)
 - ii. (spent)
 - iii. That the consent for adoption has been duly given by the minor child, C.M.W;
 - iv. That the Applicant herein be and is authorised to adopt the child who shall maintain his name C.M.W;
 - v. That the court be pleased to appoint Dr. James Kamindo Mukonyoro as the legal guardian of C.M.W upon granting the adoption order;
 - vi. That the Registrar General be and is hereby ordered to make appropriate entries in the Adoption Children’s Register in respect of C.M.W
 - vii. Costs of this application be in the cause
2. The matter was canvassed by way of viva voce evidence on the virtual platform.

The Child

3. The child (male) was born on 3 March 2009 to a single mother, J.N.N, who passed away on 21 January 2021. The child resides with his grandfather, the Applicant, in Nairobi. He is enrolled at



[particulars withheld] Secondary School. He expressed his enthusiasm at the idea of being adopted by the Applicant. He provided written consent dated 29 February 2024.

The Applicant

4. The Applicant is a Kenyan citizen, residing in Nairobi. He is the maternal grandfather to the child. He is a businessman, property developer and consultant. He currently resides with the child.
5. The Applicant's motivation for adopting the child stems from his deep love for his deceased daughter, mother of the child herein. At the hearing, he expressed his deep love and affection for his late daughter, who was very close to him and assisted in various projects. For this reason, the Applicant found it important to adopt the child so that he can enjoy the fruits of the work done by his mother.
6. The Applicant stated that he is eager and willing to assume all parental responsibilities over the child. Although he did not present bank statements, he provided copies of certificate of business registration and title deed, 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. The Applicant confirmed that he fully understands the implications of an Adoption order and that the same is irreversible.

The Biological Parents

7. The biological mother of the child died on 21 January 2021 at the age of 46. The cause of death indicated on the Certificate of Death is pneumocystis pneumonia. She was a single mother.

The Adoption Approval Process

8. Kenya Change Trust Adoption Society conducted an assessment of the Applicant and sought the consent of the biological father, as well as members of the extended family. The Agency filed its reports on the Applicant and the child, both dated 24 January 2024 recommending the adoption of the child. The child was declared free for adoption vide a Certificate of Declaring a Child Free for Adoption serial number 00649.
9. On 21 May 2024, the Court issued an order appointing R.G.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.
10. The Guardian ad Litem filed her report dated 3 June 2024, noting that the Applicant can provide a safe, loving and nurturing home for the child. The Directorate of Children's Services, Nairobi County filed its report dated 14 June 2024, recommending the adoption of the child by the Applicant herein.
11. Section 193(1) of the *Children Act* provides that kinship adoption order may only be made in favor of a relative of the child. In this instance, the Applicant is a maternal aunt to the child.
12. 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 Applicants have been approved as prospective adoptive parents by competent social workers through a duly registered Adoption Society under the Department of Children Services, thus they are able to effectively handle their parental responsibilities



13. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
- i. The Applicant, G.M.W is hereby authorised to adopted the child known as C.M.W
 - ii. Dr. James Kamindo Mukonyoro is hereby appointed as the legal Guardian of the child;
 - iii. The Registrar General is directed to enter this Order in the Adopted Children’s Register and to issue a Certificate to that effect;
 - iv. The Guardian *ad Litem* is hereby discharged;

DATED AND DELIVERED AT NAIROBI THIS 27 DAY OF FEBRUARY 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on a virtual platform in the presence of

Ms. Ashioya Stephe h/b Mrs. Ashioya June.....for the Applicant

Libertine AchiengCourt Assistant

