



REPUBLIC OF KENYA



KENYA LAW
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**In re FM (Minor) (Adoption Cause E007 of 2025)
[2025] KEHC 3177 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3177 (KLR)

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

FAMILY

ADOPTION CAUSE E007 OF 2025

SN RIECHI, J

FEBRUARY 27, 2025

IN THE MATTER OF

JMMH APPLICANT

JUDGMENT

1. The Applicant JMMH is in a monogamous marriage and she is married to JDH JR. Their marriage was solemnized on 15th November 2014 in Bexar Texas as evidenced by a copy of their marriage certificate serial number 20XXXXX attached to the application.
2. The applicant's husband JDH Jr is an American Citizen aged 54 years old born on 7th May 1970 as evidenced by a copy of his Passport Number P5XXXXX attached to the summons.
3. The applicant is Kenyan-American aged 51 years old born on 25th September 1973 as evidenced by a copy of her national identification card number 11XXXXX and passport number 64XXXXX both attached to the application.
4. The applicant has not been blessed with biological child of their own with her husband JDH JR. The applicant's husband however has a twenty-four-year-old daughter from his previous relationship. The applicant now wishes to adopt a female child known as FM aged 8 years old having been born on 3rd April 2016 through an originating summon dated 7th January 2025.
5. From the evidence on record the child was born to his biological parents FNMakau and GMM as evidenced by a copy of her birth certificate serial number 68XXXXX attached to the summons.
6. The applicant informed court that the biological father of the minor who is applicant's brother has abandoned and abdicated his parental responsibility for the past six years. The applicant stated further that the biological father of the child is violent toward's the child's mother and has extended the violence to the children.



7. The applicant stated that the acts of the biological father prompted her to assume parental responsibility of the minor and she desire to legally adopt the child to continue offering him love, guidance, emotional and financial support.
8. The applicant stated she desires to continue offering financial support to the child and her husband has fully consented to the adoption as evidenced by a copy of his consent dated 8th October 2024 attached to the application .
9. From the pleadings, this court finds that the applicant’s husband is a retired soldier and the applicant is a Refugee Registration Director in the United States of America. The applicant resides in San Antonio, USA. They both profess Christian Faith.
10. The applicant stated the biological mother of the child currently resides in Nairobi whereas the biological father’s location is unknown and was last in the active life of the child 6 years ago.
11. Prior to the hearing of the adoption application, Change Trust prepared and filed a report dated 11.10.2024. They also issued a Certificate serial number 00736 declaring the child free for adoption as evidenced by the copies of report and certificate declaring a child free for Adoption attached to the application.
12. The applicant stated that she does not have previous criminal record and no pending criminal prosecution as evidenced by a copy police clearance certificate attached to the application.
13. The applicant stated she is physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of her Medical report attached to the application.
14. The applicant stated she is financially stable and she is therefore able to provide fully for the child’s need as evidenced by copies of her financial documents attached to the application.
15. The guardian ad litem Mr.Symon Muraguri Macharia filed a report dated 11th February 2025 which was favourable and recommended the adoption of the child by the Applicant.
16. Ms. Damaris Kobowa, Assistant Director Children Services Children conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 18th February 2025 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming a daughter of the Applicant and that the Applicant has fulfilled the statutory requirements.
17. The legal guardian PW consented to be appointed as legal guardian of the child and she signed and filed her letter of consent dated 10th August 2024 attached to the application.
18. The child’s biological mother FMM was present in court. She consented to the adoption and adopted her evidence in EXXX of 2025 and she filed her consent dated 7th January, 2025. The consent of the biological father was dispensed with since his whereabouts is unknown.
19. This is a kinship adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The child was in court during the virtual hearing and he testified as follows;

“I am 8 years old. I am s pupil at [particulars withheld] Academy in Grade 3.”

The court notes that the child appears to have bonded well with the Applicant.



20. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of *the Constitution* and Section 8 the Children’s Act,2022. I find that it is in the best interest of the child to be adopted by the Applicant. I therefore allow the prayers sought in the originating Summons dated 7th January 2025 and Order as follows:

- i. The Applicant JMMH is hereby allowed to adopt FM who shall henceforth be known as FMH
- ii. PW is hereby appointed the legal guardian of the child.
- iii. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- iv. The guardian ad litem is hereby discharged.

DATED AT NAIROBI THIS 27TH DAY OF FEBRUARY, 2025

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S. N. RIECHI

JUDGE

