



**In re SM (Adoption Cause E218 of 2024)
[2025] KEHC 3172 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3172 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E218 OF 2024
SN RIECHI, J
FEBRUARY 27, 2025**

IN THE MATTER OF

PMW 1ST APPLICANT

HWM 2ND APPLICANT

JUDGMENT

1. The Applicants PMW and HWM are in a monogamous marriage which was solemnized on 04.04.1992 as evidenced by a copy of their marriage certificate serial number 05XXXXX attached to the application.
2. The 1st applicant PMW is a Kenyan Citizen aged 60 years old born on 22nd August 1964 as evidenced by a copy of his National Identification Card number 42XXXXX attached to the summons. The 2nd applicant HWM, is a Kenyan Citizen aged 54 years old born on 20th November 2012 as evidenced by a copy of her national identification card number 10XXXXX attached to the application.
3. The applicants have been blessed with three biological children namely NW born on 14th January,1993, MW born on 10th January,1996 and SN born in March 2022. The subject minor herein is nephew to the applicants, born to 2nd Applicant’s younger sister on the 26th September,2010.
4. From the evidence on record this court finds that the child is 6 years old having been born in 2018. He was born to SNW as shown on his birth certificate bearing serial number 85XXXXX attached to the application. The name of his father however does not appear in his birth certificate and his whereabouts is unknown. The Child’s mother is a younger sister to the female applicant and this is therefore kinship adoption.
5. The evidence on record indicates that the child had been living with his mother and his other siblings in Rogogo Village of Rongai Sub-County within Nakuru County since 2018 as shown in the Chief’s Letter dated 23/08/2024 attached to the application.



6. The applicants stated the child's mother who had been battling depression and other mental health problems left him and his sibling and disappeared in 2022 and has never been seen nor heard of. He was rescued by his ALN who lives with the child's other siblings in Naivasha. The child herein attends school at [particulars withheld] Primary where he is in Grade 2.
7. The applicants stated that the 2nd applicant has been taking responsibility of her sister's needs since they were young which has extended to her taking care of the children, one being the subject minor herein. The applicants stated they now wish to adopt the minor.
8. From the pleadings, this court finds that the 1st applicant is a Care Giver employed by Shekinah 2 Adult Family Care and the 2nd applicant is also working as a Caregiver employed by Shekinah 2 Adult Family Care. The applicants reside in Naivasha County. They both profess Christian Faith.
9. Prior to the hearing of the adoption application, Change Trust prepared and filed a report dated 18th September 2024 . They also issued a Certificate serial number 00XXX 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.
10. The applicants 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.
11. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
12. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
13. The guardian *ad litem* Hopkins Ochieng Okeyo filed a report dated 17th January,2025 which was favourable and recommended the adoption of the child by the Applicants.
14. Mr. Ezekiel Kimani Winfred Ikinya , Assistant Director Children Services Children conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 16th December 2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and the applicants have fulfilled the statutory requirements.
15. The legal guardian NW consented to be appointed as legal guardian of the child and she filed letter of consent attached to the application. The consent of the biological parents was dispensed with since their whereabouts is unknown.
16. The child was present in court during hearing and he testified as follows;

“I am 6 years old. I go to [particulars withheld] in Grade 2. My teacher is Mr.Ngogu.”

The child was in court during the virtual hearing and appeared to have bonded well with the Applicants.
17. This is a kinship adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child.
18. 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 male Applicant. I therefore allow the prayers sought in the originating Summons dated 11th October 2024 and Order as follows:



- i. The Applicants PMW and HWM are hereby allowed to adopt SMJ who shall henceforth be known as SMM.
- ii. NW 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

