



**In re TW (Child) (Adoption Cause E252 of 2023)
[2025] KEHC 3166 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3166 (KLR)

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

FAMILY

ADOPTION CAUSE E252 OF 2023

SN RIECHI, J

FEBRUARY 27, 2025

IN THE MATTER OF KINSHIP ADOPTION OF TW

IN THE MATTER OF

EKN APPLICANT

JUDGMENT

1. The Applicant, EKN is a single applicant. The applicant was previous married to KM but they divorced. The applicant is a Kenyan/American citizen aged 58 years old having been born on 22nd December 1966 as evidenced by a copy of her national identification card number 57XXX44 attached to the summons.
2. The applicant marriage to KM was blessed with one child RNK who is 19 years old who they co parent since their divorce and she is now in college. The applicant also has another child know as SWN who is 27 years old and currently married and lives in the USA and she has consent to this adoption as evidenced by a copy of consent dated 19th July 2024 attached to the application
3. The applicant now wishes to adopt a female child known as TW who is 12 years old having been born on 15th July 2013 as evidenced by a copy of a birth certificate serial number 82XXX80 attached to the application.
4. From the pleadings, the court finds that the applicant is a social worker in State of New Jersey,USA . She professes Christian faith.
5. The evidence on record indicates that child in this matter is the biological child second born of the Applicant’s maternal cousin AMN and his wife EMKW.
6. The evidence on record indicates that the child was born at Kibugu Health Center. The child has three siblings namely; EWM(16 YEARS OLD),CNM (5 Years old) and SKM(4 MONTHS)



7. From the evidence on record this court finds that the child's siblings have been living with their parents who are casual labourers in Kiriya. The family was being supported by the child's paternal grandmother, the Applicant's maternal aunt, who was living and working in the USA for a few years on the invitation of the Applicant. She had plans of helping the child's family more to be able to be financially stable and possibly relocate them to the USA.
8. The evidence on record indicates that the Applicant continued to offer support to the child's family even with the child's grandmother supporting them. Unfortunately, the grandmother passed away from illness. After the child's grandmother passed away, because of how close she was with her, the Applicant took it upon herself to extend more care as she wanted to ensure that she helped achieve her aunt's dreams for the child's family to be financially stable.
9. The Applicant first met the child during a visit to Kenya and their bond developed very quickly. The child, then about four years old, asked the Applicant to take her to live with her. This was confirmed by the child's parents. Their bond has continued to grow and everyone in the family says the Applicant and the child get along exceptionally well and keep in touch often through video calls a few times every week as the Applicant is keen on following up on the child's progress.
10. The child has on several occasions asked the Applicant to take her to be her child. When the Applicant first broached the subject to the extended family, seeing the need to help the child achieve her potential and access better opportunities, they had a sitting and the child's parents, older sibling, grandfather and Applicant's family agreed to the adoption. The child is currently a student at [particulars withheld] Primary School in Grade Five (5).
11. Prior to the hearing of the adoption application, Change Trust Adoption Society prepared and filed a report dated 24th January 2024. They also issued a Certificate 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 guardian ad litem Ms. BSW filed a report dated 6th June 2024 which was favourable and recommended the adoption of the child by the Applicant.
13. Mr. Ezekiel Kimani an assistant Director from the office 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 and filed a report dated 29th July 2024 recommending the adoption for reasons that the child stands to gain from the opportunities provided by becoming the daughter of the Applicant and that the Applicant has fulfilled the statutory requirements.
14. The child's biological father Mr. AMN was present in court during virtual hearing and he testified as follows;

“I want to give my child T to my cousin EN. E stays in the USA. T is 11 years old. I have given her to E because I am not living well. I know once I give her I have given up everything.”
15. The child's biological mother Ms. EMK was present in court during virtual hearing and she testified as follows;

“I know T. She is my 2nd born daughter. I know E, she is our cousin. We want to give T to E to and educate her”



16. The child was present in court and she testified as follows;

“I am 11 years old. I go to [particulars withheld] Primary school in Grade 6. I Know E. She is my aunt. She told me she will be my mother. I have agreed. E stays in the USA. I want to go to USA.”

17. From evidence on record the applicant is physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copy of her Medical report attached to the application.

18. The applicants is financially stable and she is therefore able to provide fully for the child’s need as evidence by copies of her financial documents attached to the application.

19. The applicant stated that she has no previous criminal record and no pending criminal prosecution as evidenced by her r police clearance certificate attached to the application.

20. 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 consent of biological parents was obtained as evidenced by consent letters attached to the application.

21. 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 28th November,2023 and Order as follows:

- i. The Applicant EKW is hereby allowed to adopt TW. The child shall henceforth be known as TW upon adoption.
- ii. The Registrar General is directed to enter this Order in the Register of Adopted Children.
- iii. The guardian ad litem is hereby discharged.

DATED AT NAIROBI THIS 27TH ..DAY OF..FEB 2025.

S. N. RIECHI

JUDGE

