



REPUBLIC OF KENYA



**In re CKN (Adoption Cause E163 of 2024)  
[2025] KEHC 4807 (KLR) (Family) (28 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 4807 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E163 OF 2024  
PM NYAUNDI, J  
MARCH 28, 2025**

**IN THE MATTER OF**

**CMM ..... APPLICANT**

**JUDGMENT**

1. Vide Originating Summons dated 25th July, 2024 the Applicant CMM seeks the following orders:-  
That
  - a. The Applicant be and is hereby authorised to adopt CKN
  - b. The Child be known as CKN
  - c. The Child's date of birth be declared to be 11<sup>th</sup> May, 2010 and her place of birth to be declared to be Embu Hospital, Embu County.
  - d. The consent of the biological parents of the child be and is hereby dispensed with since both of them have passed away.
  - e. RMK may be appointed the Legal Guardian of the child in the event of death of the Applicant or incapacity of the Applicant, rendering her unavailable or incapable of taking care of the child.
  - f. The child be presumed to be a Kenyan Citizen by birth.
  - g. The Registrar General be directed to make the appropriate entries in the Adopted Children's Register.
  - h. The Office of Immigration is directed to issue the child with an updated Kenyan Passport reflecting the Applicant's details.



2. The Applicant is a single Kenyan Citizen residing in [particulars withheld] and United States of America. She has never been married. She is a Librarian by Profession. The Applicant has been blessed with one child, a son, RK born in 1999. She is a paternal aunt to the minor who is an Orphan. Her deceased father, PNM was a brother to the Applicant. She confirmed that she has the means to provide for the minor. Further she understands the implications of an adoption order, that it confers on the minor the full rights of a biological child and that it is irreversible.
3. The Proposed Legal Guardian, RK is a son the Applicant and Cousin to the minor. He confirmed that he has given his consent to being appointed as Legal Guardian of the minor.
4. The Applicant's mother (AKM) and grandmother to the minor confirms that she has consented to adoption proceedings.
5. The minor attended Court, she stated that she is in Grade 9 at [particulars withheld]. She further stated that the Applicant is her Aunt and consented to the Adoption. She has a brother called [particulars withheld] and she is happy to have RK as a brother as well.
6. This is a kinship adoption. The minor has been under the care of the Applicant and the Applicant's mother since she was 9 years old. She is 14 years old. The Applicant has the means to provide for the minor and her wish is to adopt the minor so that she provides for her.
7. CKN , the Child herein is the daughter of PNM and AT (both deceased). She was born on 11th May, 2010. She was their only child together. The child's father passed away on 26<sup>th</sup> December, 2010 while her mother passed away on 6<sup>th</sup> February, 2019.
8. The father of the minor predeceased the mother, the mother got into another relationship but unfortunately also died. Out of that relationship she bore another child, Dennis Bundi who is also under the care of the Applicant's mother. The Applicant's mother is now 85 years of age. The minor has an intellectual disability.
9. The Kenya Children's Homes Adoption Society prepared a declaration report and the Child was declared free for adoption on 15<sup>th</sup> May, 2024 and a certificate confirming she is free for Adoption Serial No. 974 was issued pursuant to Section 65 of the Children's Act, 2022.
10. Further, a Report from Kenya Children's Homes Adoption Society dated 23<sup>rd</sup> August, 2024 also confirmed that the Applicant has proven her ability to take care and provide parental responsibility to the child and thus recommended the adoption process for the best interest of the child.
11. Ms. EM , the guardian ad-litem filed her Report on 23<sup>rd</sup> January, 2024. In her Report, she stated that the minor has been integrated very well into the family. She is receiving good attention from his adoptive parent and love; respect and care is thriving in the warm and loving atmosphere. From what Ms. EM observed it's that Applicant has the best interests of the child at heart and will endeavour to give the child the best care that she can. She confirmed that the Applicant had no criminal record and that she is in good health. Ms. EM noted a good bond between the Applicant and the Child and thus recommended the adoption.
12. The Principal Children's Officer Harriet Kihara from the Department of Children Services filed a favourable Report dated on 3<sup>rd</sup> February, 2025. She confirmed that the Child and the Applicant had bonded well. She also stated that the Applicant is socially and financially stable to provide for the child. The Report further stated that the Applicant had fulfilled all the pre-requisites for a kinship adoption under Children's Act, 2022. They recommended the adoption without reservation as it will be in the best interests of the Child.



DIVISION - DETERMINATION\

13. The Court has evaluated the facts of this Kinship adoption from the Reports filed. It is evident that the Applicant has fulfilled all the legal requirements of the Children’s Act, 2022. All the necessary Reports and consents required for this Adoption have been filed and evidence from the Court online platform. The consents of the biological parents of the Child are hereby dispensed with as per the annexed death certificates.
14. This Court has satisfied itself that the Applicant is qualified and able to take care of the child. The home visits conducted by the guardian ad litem and the representative of the Department of the Children’s Services established that the Applicant has the financial and emotional capability to provide for the upkeep, care and education of the Child and that the Child has bonded well with the Applicant.
15. Article 14 (4) of *the Constitution* of Kenya 2010 provides that: -  

“(4)A child found in Kenya who is, or appears to be less than eight years of age and whose nationality and parents are not known, is presumed to be a citizen by Birth.”
16. This court is therefore of the opinion that this Adoption would be in the best interest of the child and allows the Applicants’ application that;
  - a. The Applicant, CMM is hereby allowed to adopt baby CKN .
  - b. Henceforth, the child shall be known as CKN.\*\*
  - c. Her date of birth shall be 11<sup>th</sup> May, 2010 and her place of birth be Embu Hospital, Embu County.
  - d. RMK is hereby appointed as legal guardian of the child.
  - e. She is presumed to be a citizen of Kenya by birth.
  - f. The Registrar General to enter this order in the Adoption Children Register.
  - g. The Director Immigration be authorised to issue the child with a Kenyan Passport reflecting the Applicant’s details.
  - h. The guardian *ad litem* is hereby discharged.

It is so ordered.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 28<sup>th</sup> DAY OF MARCH, 2025.**

**P NYAUNDI**

**HIGH COURT JUDGE**

