



**In re WM (Master) (Adoption Cause E004 of 2025)
[2025] KEHC 3721 (KLR) (25 March 2025) (Judgment)**

Neutral citation: [2025] KEHC 3721 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
ADOPTION CAUSE E004 OF 2025
HI ONG'UDI, J
MARCH 25, 2025
IN THE MATTER OF ADOPTION OF MASTER WM**

BETWEEN

JMK 1ST APPLICANT

GNM 2ND APPLICANT

AND

THE KENYA CHILDREN'S HOME ADOPTION SOCIETY ... 1ST RESPONDENT

THE DIRECTOR OF CHILDREN SERVICES 2ND RESPONDENT

JUDGMENT

1. The Originating Summons dated 3rd February, 2025 was jointly filed by the applicants who are husband and wife respectively seeking the following orders:
 - i. This Honourable court be pleased to appoint PWM of Post Office Box Number XXXX-XXXXX, Nakuru as “Guardian Ad Litem” for the above-named minor; Namely MWM during the hearing of this Adoption Cause.
 - ii. The Director of Children Services, Department of Children Services do investigate the suitability or otherwise of the Applicant to adopt the minor MWM herein and file/submit a requisite report to this Honourable Court on its findings.
 - iii. The Applicants, JMK and GNM be authorized to adopt MWM upon the making of an adoption order by this Honourable Court.
 - iv. PWM be appointed legal guardian to MWM in the event the Applicant being the adopter herein dies or becomes permanently incapacitated before the minor attains full age.
 - v. An adoption certificate be issued by the Registrar General in respect of MWM .



- vi. This Honourable Court do issue such other orders as may deem necessary in the best interests of the infant herein.
 - vii. The cost of this Adoption process and proceedings be costs in the cause.
2. The application is supported by the applicants supporting affidavits and the grounds that:
 - a. The applicants have met the legal prerequisites set out for adopting a child and have sufficiently bonded with the child.
 - b. It is in the best interest of the child that the adoption order be granted in favour of the applicant.
 3. The biological mother (L.N.M.) of the minor is the holder of ID Card No XXXXXXXX. She annexed the subjects birth certificate. Her affidavit is marked JMK – 7. She is a daughter to the applicants. When she appeared before the court she confirmed knowledge of what adoption means and her willingness to release the minor for adoption by her parents/applicants.
 4. Both applicants filed affidavits both sworn on 3rd February, 2025. They annexed various documents including: Marriage certificate GNM. – 2 Kenya and USA ID Cards GNM. – 1 & 3 Statements of account JMK. – 12 Consent to adoption by W.M – G.N.M. - 11D Medical reports – GNM 13, 14, & 15.
 5. When the applicants separately appeared before the court virtually on 14th March, 2025 they expressed their interest in the adoption of the subject whom they have known since his birth, and has known them as parents. Both applicants reside in Oregon – USA for now but they visit Kenya every six (6) months to connect with the minor. In their absence from Kenya they communicate with the minor on video calls and Whatsapp
 6. The Guardian *Ad Litem* PWM of I.D No XXXXXXXX (JMK 9) is a sister to the minor’s mother and a daughter to the Applicants. She knows her role and she supports the adoption application. PK ID No XXXXXXXX (GNM – 11A) is a brother to the minor’s mother. He too lives in the USA, and supports the application.
 7. The subject W. M also appeared in court and said he was aware of the intended adoption of him by his grandparents, which he supports. His letter of consent dated 28th October, 2024 (JMK 11D) to the Director Kenya children’s Homes Adoption Society is among the documents filed.
 8. Besides the documents filed by the applicants, the subject’s mother and Guardian Ad Litem, the Kenya Children’s Home filed their report with the following annexures. Declaration report Standard freeing certificate. Copy of freeing summary Copy of case committee ratification sheet
The said Organization recommended the adoption vide their report dated 13th February, 2025 and filed in court on 14th February, 2025.
 9. Another report was filed by the Department of Children’s Services on 18th March, 2025. It is dated 14th March, 2025. Vide the said report the Secretary of Children Services recommended the applicants for the adoption of the subject who is their grandchild.
 10. This court had an opportunity to interact with all the parties herein both virtually and physically in open court. I am satisfied that they are all ready and comfortable with the process of the adoption of the subject W. M. by the applicants J. M. K and G. N. M
 11. The upshot is that the application is merited and is allowed. The following orders shall issue:
 - i. The Applicants J. M. K. and G. N. M. are hereby authorized to adopt the subject W. M.



- ii. PWM of P. O. Box XXXXX – XXXXX Nakuru is appointed as the Legal Guardian to the subject W. M. in the event the Applicants being the adopters herein die or become permanently incapacitated before the subject attains full age.
- iii. An Adoption Certificate be issued by the Registrar General in respect of the subject W. M.
- iv. Costs shall be in the cause

12. Orders accordingly

DELIVERED VIRTUALLY, DATED AND SIGNED THIS 25TH MARCH, 2025 IN OPEN COURT AT NAKURU.

H. I. ONG’UDI

JUDGE

