



**In re MM & SG (Minors) (Adoption Cause E005 of 2023)
[2025] KEHC 7509 (KLR) (28 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 7509 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
ADOPTION CAUSE E005 OF 2023
SM GITHINJI, J
MAY 28, 2025
IN THE MATTER OF THE CHILDREN ACT 2022
IN THE MATTER OF MM AND SG
IN THE MATTER OF APPLICATION FOR ADOPTION BY GGM**

JUDGMENT

1. By Amended Originating Summons dated 29th October, 2024, pursuant to Sections 186 and 188 of the *Children Act*, Section 24 of the *Interpretations, General Provisions Act*, Section 3A of the *Civil Procedure Act* and Order 8 Rule 3 of the *Civil Procedure Rules*, the applicant seeks that:
 1. Spent
 2. The applicant GGM be authorized to adopt minors MM and SG.
 3. Upon adoption, the children be known as MMM and SGM respectively.
 4. The Registrar General be directed to enter this adoption into the register of adoptions.
 5. The children shall be presumed to be Kenyan citizen and be accorded all rights of immigration that accrue to Kenyan citizens.
 6. The Director of Immigration Services do issue the children MM and SG with a Kenyan passport upon application.
 7. The Court waive the requirement to have the biological father of the children consent to the adoption.
2. The applicant who is Kenyan citizen by birth was born on 23/8/1957 and he has his residence in Meru, though he currently resides in North Carolina, United State of America. He is a self-employed medical care giver, who does not have any child of his own and the minors herein are his nephew and niece respectively. Their biological mother has consented to the adoption but the consent of their biological father has not been sought because he has been absent from the minors' lives since infancy. The Applicant has been taking care of the minors' financial and social needs since infancy and desires



to give them better education and life opportunities. The minors were declared free for adoption by Change Trust and the adoptive parent has equally been declared medically fit to adopt them. He has appointed PWM and MWM to be the Legal Guardians of the minors, in the event of any unfavourable eventuality befalling him.

3. The Sub-County Children's Officer, Imenti North filed his report dated 29/10/2024 recommending the adoption of the minors by the applicant.
4. The children who are over 10 years old have given oral consent in court to the adoption.

Disposition

5. I have considered the application for adoption in accordance with Sections 186 to 201 of the *Children Act* 2022. The suitability of the adoptive parent in accordance with section 186 of the *Children Act* has been ascertained. The applicant is a relative to the minors by virtue of being their maternal uncle and thus a Kinship order of adoption can be made in his favour pursuant to section 193 of the *Children Act*. The biological mother has consented to the adoption while the consent of the absentee biological father is accordingly dispensed with pursuant to section 187 (1) (a) of the *Children Act*.
6. I find that the adoption is in the best interest of the minors, who have completely bonded with the adoptive parent and are eager to relocate with him to the United States of America.
7. Having complied with the provisions of section 194 of the *Children Act*, I allow the prayers in the amended originating summons dated 29/10/2024.
8. Further, I appoint PWM and MWM to be the Legal Guardians of the minors herein.

DATED AND DELIVERED AT MERU THIS 28TH MAY, 2025

S.M. GITHINJI

JUDGE

Appearances

Mr. Joseph Mburu - children.

Miss. Gitau for the Applicant.

