



**In re LWG (Minor) (Adoption Cause E255 of 2024)
[2025] KEHC 9173 (KLR) (Family) (27 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 9173 (KLR)

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

FAMILY

ADOPTION CAUSE E255 OF 2024

H NAMISI, J

JUNE 27, 2025

IN THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA

AND

IN THE MATTER OF LWG (MINOR)

AND

IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION

IN THE MATTER OF

GW 1ST APPLICANT

ENG 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 20 November 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the Court issues an adoption order in favor of the Applicants herein, of G.W Passport No. XXXXXXXXXX and E.G of Passport No, AK XXXXXXXXXX in respect of L.W.G (child) in this cause;
 - ii. Spent;
 - iii. That the consent of the biological parents of the child and that of the child be considered;
 - iv. That the Applicants be authorised to adopt the child, L.W.G;
 - v. That upon adoption, the child to retain her names;



- vi. That the Registrar-General be directed to make the appropriate entries in the Adopted Children's Register.
2. The matter was canvassed by way of viva voce evidence on the virtual platform on 22 May 2025.

The Child

3. The child (female) was born on 16 December 2009 to DGW and LWN. She is the second born of two children. The child is a niece to the 1st Applicant, a brother to the child's biological father. She is currently 15 years old and enrolled in school, currently in Form 2.
4. The child appeared before the Court and confirmed that she would like to be adopted by the Applicants. It is her desire to live with her aunt and uncle in the USA so as to be able to explore opportunities available to her there.

The Applicants

5. The Applicants are Kenyan citizens living in Texas, USA. They got married on 7 August 2018 under the African Christian Marriage and Divorce Act. Both Applicants are self employed. The Applicants have no children of their own, though the 1st Applicant has grown up children from a previous marriage.
6. The Applicants presented copies of their payslips, Police Clearance Certificates recommendations and referee information, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These disclose that the Applicants are financially, socially, physically and mentally fit to adopt the child. The Applicants confirmed that they understand that an adoption order is irreversible.
7. Additionally, pursuant to section 195 of the *Children Act*, the Applicants provided consent from S.M.N, a neighbour residing in Kimbo, dated 19 May 2025, agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicants.

The Biological Parents

8. D.W.G and L.W.N are the child's biological father and mother, respectively.
9. According to the biological parents, it was the child who first approached them with the idea of adopting her. This was confirmed by the child herself. Although the Applicants had no reservations at the time, they thought it would be prudent to wait until the child was older and had a better understanding of her request. Now that the child is older, they have no reservations to the adoption.
10. The biological parents trust that will raise the child with the same values and love that they have given her since birth. They confirmed that they signed a memorandum dated 11 April 2024, consenting to the adoption.

The Adoption Approval Process

11. Change Trust Adoption Society conducted an assessment of the Applicants and sought the consent of the child and her biological parents. The Agency filed its report dated 11 October 2024 recommending the adoption of the child. The child was declared free for adoption by the Adoption Society vide a Certificate of Declaring a Child Free for Adoption serial number 00668
12. On 30 January 2025, the Court issued an order appointing R.W as the child's Guardian ad Litem, and further directing the Guardian ad Litem and Director of Children's Services to investigate the suitability and fitness of the Applicant and subsequently file their respective reports.



13. The Guardian ad Litem filed her report dated 2 March 2025, noting that the Applicants provide a safe, loving and nurturing home for the child. The Directorate of Children’s Services, Nairobi County filed its report dated 20 May 2025, recommending the adoption of the child by the Applicants herein.
14. Section 193(1) of the *Children Act* provides that kinship adoption order may only be made in favor of a relative of the child. In this instance, the 1st Applicant is the paternal uncle of the child.
15. In view of the foregoing, the Court is satisfied that:
 - i. The proposed adoption is a kinship adoption, meaning that the child will continue to be within the family.
 - ii. The adoption will be in the best interest of the child; and
 - iii. The Applicants have been approved as prospective adoptive parents by competent social workers through a duly registered Adoption Society under the Department of Children Services, thus they are able to effectively handle their parental responsibilities
16. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:
 - i. The Applicants, G.W. and E.N.G, are hereby authorised to adopted the child known as L.W.G;
 - ii. he Registrar General is directed to enter this Order in the Adopted Children’s Register and to issue a Certificate to that effect;
 - iii. The Guardian ad Litem is hereby discharged;
 - iv. S.M.N is hereby appointed as the legal guardian of the child.

DATED AND DELIVERED AT NAIROBI THIS 27 DAY OF JUNE 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on a virtual platform in the presence of

Applicants: N/A

Court Assistant : Libertine Achieng

