



**In re JSC (Minor) (Adoption Cause E099 of 2025)  
[2025] KEHC 12249 (KLR) (Family) (29 August 2025) (Judgment)**

Neutral citation: [2025] KEHC 12249 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E099 OF 2025**

**H NAMISI, J**

**AUGUST 29, 2025**

**N THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA**

**AND**

**IN THE MATTER OF JSC (MINOR)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR KINSHIP ADOPTION**

**IN THE MATTER OF**

**LMM ..... 1<sup>ST</sup> APPLICANT**

**SNM ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 11 April 2025, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
  - i. That the Applicants be authorized to adopt JSC, a minor who is to be known as JNN and the Registrar General be directed to enter this adoption into the Register of Adoptions;
  - ii. That AWM and MMN be appointed as the legal guardians of the minor;
  - iii. That the consent of the biological father be dispensed with;
  - iv. That the child be presumed to have been born in Kenyan.
2. The matter was canvassed by way of viva voce evidence on the virtual platform on 3 July 2025.



### **The Child**

3. The child (female) was born on 16 September 2011 in Nairobi County to the 1<sup>st</sup> Applicant and one, FCI. Since birth, she has been in the custody of the 1<sup>st</sup> Applicant. All contact with the biological father was lost soon after her birth, and his current whereabouts are unknown to the 1<sup>st</sup> Applicant. The child recognizes the 2<sup>nd</sup> Applicant as her father, having lived with him since 2016.
4. The child, aged 13 years, appeared before the Court and expressed her genuine delight that the 2<sup>nd</sup> Applicant would now be her father, officially. She endearingly refers to him as her ‘forever father’.

### **The Applicants**

5. The Applicants are Kenyan citizens, residing in Kasarani, Nairobi County. They got married in 2016 under customary law and later solemnized their union on 18 May 2023 at the Registrar’s office, Machakos County. Their union is blessed with two other children born in 2019 and 2021.
6. Both Applicants are nurses. The Applicants stated that their motivation to adopt the child so that they can live as one family. They confirmed that they fully understood the legal implications of an Adoption order and that the same is not reversible. They further confirmed that their extended families have warmly welcomed the idea of adopting the child.
7. The Applicants are Christians and confirmed their intention to raise the child in a Christian environment to ensure her full development. They presented copies of their payslips, title deed, 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.
8. Additionally, pursuant to section 195 of the [Children Act](#), the Applicants provided consents from AMW and MMN, agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicants.

### **The Biological Father**

9. According to the 1<sup>st</sup> Applicant, the biological father of the child has not been part of their lives since the birth of the child. His current whereabouts are unknown.
10. Based on the foregoing, I, therefore, dispense with the requirement for the consent of the biological father.

### **The Adoption Approval Process**

11. Buckner Kenya Adoption Agency conducted an assessment of the Applicants and sought the consent of members of the extended family. The Agency filed its report dated 28 February 2025 recommending the adoption of the child. The child was declared free for adoption vide a Certificate of Declaring a Child Free for Adoption serial number xxxx.
12. On 22 May 2025, the Court issued an order appointing SCK 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 22 May 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 25 June 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 1<sup>st</sup> Applicant is the biological mother 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, LMM and SNM, are hereby authorised to adopt the child currently known as JSC, who shall henceforth be known as JNN;
  - ii. The 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. AMW and MMN are hereby appointed as the legal guardians of the child.

**DATED AND DELIVERED AT NAIROBI THIS 29 DAY OF AUGUST 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on a virtual platform in the presence of

Applicants: Ms. Muhanda

Applicants present

Court Assistant: Lucy Mwangi

