



**In re FW (A Child) (Adoption Cause E019 of 2023)
[2024] KEHC 8155 (KLR) (28 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 8155 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
ADOPTION CAUSE E019 OF 2023**

**A MSHILA, J
JUNE 28, 2024**

IN THE MATTER OF

RNK APPLICANT

JUDGMENT

1. The application is brought by way of an Originating Summons and is dated the 13th day of September, 2023 and is premised under the provisions of Sections 183(4), 184,185,186(1)(a), (2)(a), 188,192,193, 195 and 201 of the Children’s Act, 2022, Section 24 of the *Interpretation and General Provisions Act* Cap.2 Laws of Kenya and all other enabling provisions of Law. The Applicant seeks the following Orders;
 - a. That RMN of ID No.119XXXX1 be appointed as GUARDIAN AD LITEM of FW;
 - b. That the Applicant RAHAB NJERI KIMURA be authorized to legally adopt FW who will continue to be known as FW;
 - a. That FW be presumed to be a Kenyan citizen by birth;
 - b. HJ be appointed as next of kin and legal guardian to FW;
 - c. The Registrar General do make the appropriate entry of FW in the Adopted Children’s Register.
2. The application was supported by a statement and Affidavit made by the Applicant; The Guardian Ad Litem RMN was appointed on the 29th November, 2023; This court directed the Director of Children’s Services and the Guardian Ad Litem to carry out a home visit and do investigations and to file their Reports.
3. After visiting and interrogating the Applicant the Nairobi County Director of Children's Services filed into court a Report dated 12/02/2024 and the Guardian Ad Litem also filed an undated Report into



court on the Applicants' suitability to adopt FW; both reports are highly favourable to the Applicant and recommend her suitability as an adoptive parent.

4. The minor FW who is female was born on 19th November, 2010 was born to the late Samuel Mwangi Kimura and Charity Mary Wanjiku Nyambura; The late Samuel Mwangi Kimura was the brother of the prospective adoptive mother. The biological mother being a widow and as a single parent is overwhelmed and is unable to take care of the child so she gave her up for adoption to her sister-in-law to offer FW better opportunities and education. On the 2nd June, 2023 she was declared free for adoption under Section 194 of the Children's Act 2022 and a Certificate Serial Number 00585 was issued by the Change Trust Adoption Society.
5. After reading and taking into consideration the contents of these Reports this court was satisfied that all the legal requirements had been adhered to notably; the Applicant is a Kenyan citizen and is single and has never been married; at the time of filing this application the prospective adoptive parent RAHAB NJERI KIMURA was aged 57 years and therefore her age falls within the prescribed legal parameters; The Applicant has no biological child and is in the process of adopting FW and her brother;
6. RAHAB NJERI KMURA is a registered nurse and is an employee of Encompass Health Alabama; the Applicant has produced into court copies of their pay-slips and Bank Statements to prove her financial capability to support FW when she assumes responsibility of her upbringing.
7. The Certificate of Good Conduct is current and valid and this court is satisfied that there are no adverse circumstances discernible from the family of the Applicant or any individual characteristics or lifestyle that would be detrimental to the minor;
8. It is noted that this is was a case of kinship adoption and the biological mother has given her unequivocal written consent dated 13/09/2023; the biological mother deposed that the biological father is deceased and the court was urged to dispense with his consent which this court has accordingly dispensed with. The court had an opportunity to interrogate the minor and noted she was well looked after and was happy and had a warm and eager demeanour;
9. This court takes note that the consent of the proposed Legal Guardian has also been duly filed.
10. For the reasons stated above this court is satisfied that the Applicant has fulfilled all the pre-requisites for adoption orders and is found to be suitable persons to adopt FW and the court is further satisfied that the order for adoption will be in the best interest of the child.

FINDINGS & DETERMINATION

11. For the forgoing reasons this court finds that the application for adoption has merit and it is hereby allowed as follows;
12. The Applicant is hereby authorized to adopt the child FW; she shall be known as FW.
13. That FW be presumed to be a Kenyan citizen;
14. The Registrar General is hereby directed to enter this adoption order of FW in the Adopted Children's Register;
15. The Guardian Ad Litem RMN is hereby discharged and HJ be appointed as next of kin and legal guardian to FW until the minor attains the age of majority of eighteen (18) years.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 28TH DAY OF JUNE, 2024.



HON. A. MSHILA

JUDGE

In the presence of;

Mourice – Court Assistant

Miss Mutembei – for the Applicant

