



REPUBLIC OF KENYA



**In re MK (Child) (Adoption Cause E020 of 2023)  
[2024] KEHC 8054 (KLR) (28 June 2024) (Judgment)**

Neutral citation: [2024] KEHC 8054 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
ADOPTION CAUSE E020 OF 2023**

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

**IN THE MATTER OF AN APPLICATION FOR ADOPTION ORDER OF MK (A CHILD)**

**IN THE MATTER OF**

**RNK ..... APPLICANT**

**JUDGMENT**

1. The application is brought by way of an Originating Summons and is dated the September 13, 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 and section 24 of the *Interpretations and General Provisions Act* cap.2 Laws of Kenya and all other enabling provisions of the Law. The Applicant seeks the following Orders;
  - a. That RMN of ID No.xxxxxxxx be appointed as Guardian Ad Litem of MK;
  - b. That the Applicant RNK be authorized to legally adopt MK who will continue to be known as MK;
    - a. That MK be presumed to be a Kenyan citizen by birth;
    - b. HJ be appointed as next of kin and legal guardian to MK;
  - c. The Registrar General do make the appropriate entry of MK 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 November 29, 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 Directorate 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 MK; both reports are highly favourable to the Applicant and recommend her suitability as an adoptive parent.

4. The minor MK who is male was born on October 15, 2013 was born to the late SMK and Charity MWN; The late SMK a 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 him up for adoption to her sister-in-law to offer MK better opportunities and education. On the June 2, 2023 he was declared free for adoption under section 194 of the [Children's Act 2022](#) and a Certificate Serial Number xxxxx 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 never been married; at the time of filing this application the prospective adoptive parent RNK 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 MK and his sister;
6. RNK 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 MK when she assumes responsibility of his 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 takes note that the consent of the proposed Legal Guardian has also been duly filed.
9. 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 MK and the court is further satisfied that the order for adoption will be in the best interest of the child.

### **Findings & Determination**

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

Orders Accordingly.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 28<sup>TH</sup> OF JUNE, 2024.**

**HON. A. MSHILA**

**JUDGE**



**In the presence of;**

Mourice – Court Assistant

Mutembei – for Applicant

