



**In re Baby AAI (Minor) (Adoption Cause E158 of 2024)
[2024] KEHC 13630 (KLR) (Family) (31 October 2024) (Judgment)**

Neutral citation: [2024] KEHC 13630 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E158 OF 2024
H NAMISI, J
OCTOBER 31, 2024**

IN THE MATTER OF

SFH APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 7th May 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the Applicant be authorised to adopt A.A.I (minor);
 - ii. That upon adoption, the child continues to be known as A.A.I;
 - iii. That S. F. H be appointed as legal guardian of A.A.I (minor);
 - iv. That the Court do issue further orders as may be deemed fit to meet the interests of justice;
 - v. That the court does issue such other orders as may be necessary in the best interests of the child
2. The matter was canvassed by way of viva voce evidence on the virtual platform.

The Child

3. The child (male) was born on 15 May 2013 to A. I (father) and A.F (Mother), a cousin to the Applicant. According to the Report from the Department of Children’s Services, the child and father were taken in by the Applicant and they reside in her apartment in Pangani, Nairobi. The child is currently 11 years old and enrolled at Suraj Academy.

The Applicant

4. The Applicant is a citizen of the United States of America, residing in Minnesota. She was born in Somalia and moved to Kenya under refugee status, before relocating to USA. She is married to A.O.N



and they have been blessed with 2 children, aged 19 and 16 years, respectively. She and her husband are in the homecare industry. The Applicant's husband and children have consented to the adoption through their Affidavits dated 29 November 2021 and 14 July 2024, respectively.

5. The Applicant and the mother to the child herein are cousins. The Applicant has known the child since birth. She provides for both the child and his father, who reside in her house in Nairobi. The Applicant interacts with the child whenever she visits Kenya.
6. The Applicant stated that she is eager and willing to assume all parental responsibilities over the child. She presented copies of her Bank Statements pursuant to the provisions of The Children (Adoption) Regulations, 2020. These disclose that the Applicant is financially, socially, physically and mentally fit to adopt the child. The Applicant confirmed that she fully understands the implications of an Adoption order and that the same is irreversible.

The Biological Parents

7. The biological father, A.I.N, confirmed to the Court that he consented to the adoption. He stated that he understands that the order, once given, is irreversible.
8. The whereabouts of the biological mother are unknown. The biological father indicated that he had not seen her in over 11 years.

The Adoption Approval Process

9. Kenya Change Trust Adoption Society conducted an assessment of the Applicant and sought the consent of the biological father, as well as members of the extended family. The Agency filed its reports on the Applicant and the child, both dated 10 December 2021 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 00XX6.
10. On 26 September 2024, the Court issued an order appointing A. A. M 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.
11. The Guardian ad Litem filed his report dated 10 October 2024, noting that the Applicant can provide a safe, loving and nurturing home for the child. The Directorate of Children's Services, Nairobi County filed its report dated 22 October 2024, recommending the adoption of the child by the Applicant herein.
12. 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 Applicant is a maternal aunt to the child.
13. 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
14. Accordingly, the Originating Summons is allowed and the following orders are hereby issued:



- i. The Applicant, S. F.H, is hereby authorised to adopted the child known as A.A.I;
- 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;

DATED AND DELIVERED AT NAIROBI THIS 31 DAY OF OCTOBER 2024.

HELENE R. NAMISI JUDGE OF THE HIGH COURT

Delivered on a virtual platform in the presence of

....N/A for the Applicant

