



**In re Adoption of Baby Boy VB (Adoption Cause E197 of 2024)
[2024] KEHC 16248 (KLR) (Family) (19 December 2024) (Judgment)**

Neutral citation: [2024] KEHC 16248 (KLR)

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

FAMILY

ADOPTION CAUSE E197 OF 2024

SN RIECHI, J

DECEMBER 19, 2024

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY BOY VB

IN THE MATTER OF

RKK 1ST APPLICANT

AMM 2ND APPLICANT

JUDGMENT

1. The Applicants, RKK and AMM are in a monogamous marriage which was solemnized on 4th August 2023 at Deputy County Commissioner’s office in Thika West as evidenced by a copy of their marriage certificate serial number 560xxx attached to the summons.
2. The 1st applicant is a Kenyan Citizen aged 33 years old born on 9th August 1991 as evidenced by a copy of his National Identification Card number 2942xxxx attached to the summons. The 2nd applicant is a Kenyan Citizen aged 29 years old born on 4th May 1995 as evidenced by a copy of her national identification card number 3241xxxx attached to the application.
3. The applicants have not been blessed with a child of their own and they now wish to adopt a male child known as VB presumably born on 31st July,2023 through an Originating Summons dated 13th September 2024.
4. From the pleadings, the court notes that the 1st applicant is an online freelancer and employed by Study Pool International and the 2nd applicant is a [particulars withheld] employed by [particulars withheld] Commission. The applicants reside in Juja. They both professes the Christian faith.
5. The court finds from evidence on record that the child was found abandoned at Kayole in Naivasha and child was rescued and the matter was reported at Kayole Police Post vide OB x/xx/xx/2023 as



- evidenced by a copy of police initial letter dated 22.8.2023 attached to the application. The evidence on record further indicates that the child was taken to Naivasha sub county referral hospital for checkup.
6. From the evidence on record this court finds that on 16th August 2023, J.K.Chege Naivasha Sub-County Children's Officer issued a letter addressed to Director Limuru Children Center and the letter confirmed the child had been abandoned and in need of care and protection as evidenced by a copy of letter dated 16.08.2023 attached to the application. The child was admitted to the said home pending adoption.
 7. From evidence on record the court finds that on 5th October, 2023, the Naivasha Children's Court committed the child to Limuru Children Center through care and protection case number E230/2023 for a period of three years as evidenced by a copy of committal order attached to the application.
 8. The evidence on record indicate that the child was placed under foster care of the applicants on 27th May 2024 ending adoption as evidenced by a copy care agreement attached to the application.
 9. From evidence on Court record, on 21.3.2024 a final police letter was issued by Kayole Police Station and it confirmed that no one went to the station to claim the abandoned child and their efforts to trace the kindred of the child have been futile as shown by a copy of final police letter dated 21.03.2024 attached to the summons.
 10. Prior to the hearing of the adoption application, Buckner Kenya Adoption prepared and filed a report dated 14th October 2024 recommending the adoption. They also issued a Certificate Serial No xxx declaring the child free for adoption pursuant to section 156 (1) of the Children's Act as evidenced by the copies of a report and certificate declaring a child free for Adoption attached to the application.
 11. The guardian ad litem Ms. [particulars withheld] filed a report dated 19.11.2024 which was favourable and recommended the adoption of the child by the Applicants.
 12. Ms. Winfred Ikinya, the Assistant Director Children's Services conducted home visits and established that the applicant is financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 18.11. 2024. The report is positive and recommended the adoption for reasons that the child stands to gain from the opportunities provided by becoming the son of the Applicants and that the Applicants have fulfilled the statutory requirements.
 13. Ms. TMM consented to be appointed as legal guardian for the child and she signed filed a letter of consent attached to the application.
 14. The applicants stated that they have no previous criminal record and no pending criminal prosecution as evidenced by their respective police clearance certificates attached to the application.
 15. The applicants are both physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical reports attached to the application.
 16. The applicants are financially stable and they are therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
 17. This is a local adoption and from the record the Applicants have fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the child's biological parents whereabouts is unknown.
 18. I have examined the evidence herein and best interest of the child as required in Article 53 (2) of *the Constitution* and Section 8 the Children's Act, 2022. I find that it is in the best interest of the child to be



adopted by the Applicants. I therefore allow the prayers sought in the amended originating Summons dated 13th September 2024 and Order as follows:

- i. The Applicants RKK and AMM are hereby allowed to adopt baby VB and the child shall henceforth be known as AKK.
- ii. He is presumed to have been born in Naivasha, Nakuru county within the Republic of Kenya in accordance with Article 14(4) of the Constitution.
- iii. TMM is hereby appointed as the legal guardian of the child.
- iv. The Registrar General is directed to enter this Order in the Adopted Children Registry.
- v. The guardian ad litem is hereby discharged.

DATED AT NAIROBI THIS 19TH DAY OF DECEMBER, 2024

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S. N. RIECHI

JUDGE

