



**In re Baby AS (Adoption Cause E017 of 2020)
[2022] KEHC 15659 (KLR) (24 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15659 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
ADOPTION CAUSE E017 OF 2020
HK CHEMITEI, J
NOVEMBER 24, 2022**

IN THE MATTER OF

**JMN 1ST APPLICANT
MWM 2ND APPLICANT**

RULING

1. The applicants who are husband and wife made this application for adoption dated August 22, 2022 in which they prayed that they be allowed to adopt baby AS. This court issued an order on October 25, 2022 that due diligence be made by the respective authorities in line with the child adoption protocols. The said order was directing the children officer to provide their report in respect to the subject minor within 14 days from the date of the order.
2. I have perused the reports herein including the status of the applicants and their social standings and their ability to adopt and take care of the minor.
3. I have also perused the reports dated November 8, 2022 from the children’s department Kiambu County together with the report from Buckner Kenya Adoption Services dated January 29, 2018 and their recommendations both of which were positive.
4. From the foregoing it is evident that the applicants are highly recommended. They have emotional and financial capacity to provide for this child and to give him a home, a family, a name, a heritage.
5. The principle that the best interest of the child is of paramount importance is enshrined in the Constitution whose article 53(2) provides thus:

“ A child’s best interests are of paramount importance in every matter concerning the child.”



6. Similarly, under section 4 (2) and (3) of the *Children Act* provides as follows:

“That in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. All judicial and administrative institutions, and all persons acting in the name of these institutions, where they are exercising any powers conferred by this Act shall treat the interests of the child as the first and paramount considerations to the extent that is consistent with adopting a course of action calculated to (a) safeguard and promote the rights and welfare of the child (b) Conserve and promote the welfare of the child and (c) secure for the child such guidance and correction as is necessary for the welfare of the child and in the public interest.”

7. In the instant application as adduced from the record, the applicants herein have complied with the orders issued by this court on October 25, 2022 and have further fulfilled the criteria and requirements of the law as outlined in the above sections.

8. In the premises, I would allow the originating summons dated August 22, 2022 in terms of prayers 1 and 2 thereof.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAKURU THIS 24TH DAY OF NOVEMBER 2022.

H. K. CHEMITEL.

JUDGE

