



**In re AA (Baby) (Adoption Cause E022 of 2023)  
[2024] KEHC 3735 (KLR) (Family) (18 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 3735 (KLR)

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

**ADOPTION CAUSE E022 OF 2023**

**SN RIECHI, J**

**APRIL 18, 2024**

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF BABY AA**

**IN THE MATTER OF**

**HNK ..... APPLICANT**

**JUDGMENT**

1. The Applicant, HNK is single. The Applicant has not been blessed with a child of her own and wishes to adopt a male child known as Baby AA by way of Originating summons dated 9<sup>th</sup> February 2023.
2. The applicant is a female adult of sound mind and Kenyan Citizen aged 32 years old and born on 26<sup>th</sup> July 1992 as evidenced by a copy of birth certificate serial number 316xxxx and Passport Number 64153xxxx attached to the application and therefore meets the age requirement under section 186(2) of the *Children Act*, 2022 to adopt.
3. From the pleadings, the court observes that the applicant works in the USA as (particulars withheld) Practitioner and she is physically able to take care of the minor . She is also financially stable as evidenced by copies of her bank statements attached to the summons.
4. The applicant resides in USA and was born in Siaya County as evidenced by a copy of passport attached to the application. She professes the Christian faith.
5. The evidence before the court indicate that the child is younger brother of the applicant and she has one other siblings namely JK.
6. The applicant stated that her late mother was a single mother and applicant is the one who supported her and the rest of her siblings. The applicant stated further that before demise of her mother, the applicant met all her medical bills and their maintenance. The applicant's mother died on 20<sup>th</sup>



August 2020 as evidenced by a copy of Certificate of Death serial number 109XXXXX attached to the application.

7. The applicant stated that when she visited her family in 2019 she agreed with her mother that she should adopt her younger brother and take him to the USA and give him the necessary Education and keep an eye on his welfare.
8. The applicant stated that due to the commitment to her family and the responsibility she always had towards her family and the love she has for her my younger brother she prayed to the court to allow her to adopt her younger brother AA as he is now an orphan and living with a relative.
9. The applicant stated that the purpose of this adoption is to facilitate the immigration of the child to USA Minnesota for applicant's close and personal supervision, upbringing and education.
10. Prior to the hearing of the adoption application, Kenya Children's Home prepared and filed a report dated 1<sup>st</sup> February 2024. They also issued a Certificate Serial No.9xxx declaring the child free for adoption as evidenced by the copies of report and certificate declaring the child free for Adoption attached to the application.
11. The guardian ad litem Abraham Oloo Wesonga filed a report dated 10.2.2023 which was favourable and recommended the adoption of the child by the Applicant.
12. Caroline Olindo a Children's officer at the Director of Children 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 20.2.2024 recommending the adoption. The child stands to gain from the opportunities provided by becoming the son of the Applicant and that the Applicant has fulfilled the statutory requirements.
13. MA who is grandmother of the child consented to be appointed as legal guardian for the child and informed court and she filed a consent in support.
14. This is a kinship adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child. The consent of the biological parents was dispensed with since the mother of the child is deceased and the whereabouts of the biological father is unknown. The child was in court during the virtual hearing and appeared to have bonded well with the Applicant.
15. I have examined the evidence herein against the best interest of the child as required in Article 53 (2) of the Constitution and Section 8 of the Children's Act, 2022. I do find that it is in the best interest of the child to be adopted by the Applicant. I therefore allow the prayers sought in the originating Summons dated 9<sup>th</sup> February 2023 and Order as follows:
  - i. The Applicant HNK is hereby allowed to adopt her biological brother who shall henceforth be known as AA .
  - ii. MA is hereby appointed the legal guardian of the child.
  - iii. The Registrar General is directed to enter this Order in the Adopted Children Registry.
  - iv. The guardian ad litem is hereby discharged.

**DATED AT NAIROBI THIS 18<sup>TH</sup> DAY OF APRIL, 2024.**

.....  
**S. N. RIECHI**  
**JUDGE**

