



REPUBLIC OF KENYA



**In re Adoption of Baby RKK (Child) (Adoption Cause E008 of 2025)
[2025] KEHC 18329 (KLR) (4 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 18329 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
ADOPTION CAUSE E008 OF 2025
FN MUCHEMI, J
DECEMBER 4, 2025
IN THE MATTER OF ADOPTION OF BABY RKK (CHILD)**

IN THE MATTER OF

CWK APPLICANT

JUDGMENT

Brief Facts

1. The Originating Summons dated 23rd July 2025 seeks for orders of adoption of Baby R K K (the child) who should be known as R K K upon adoption and that the Registrar General be directed to make an entry in the Adopted Children's Register.

The Applicant's Case

2. The applicant avers that the child is her grandson and he was born on 22nd August 2013 following which his parents separated. The applicant states that the minor's father, K K is her son and has currently re-married and living with his new wife. The applicant avers that she has lived with the minor since he was five (5) years old in the year 2019.
3. The applicant states that she is a Lecturer by profession and has sufficient income and assets to enable her take care of the child. She further states that she is single. She further avers that she is not a criminal and has never been charged or convicted for any criminal offences referred to in the third schedule of the *Children's Act*.
4. The applicant avers that the child's parents have consented to her adopting the child.
5. The applicant states that S W M, her friend has consented to be the legal guardian of the child in the event she dies before the child attains the age of maturity. Further, G N G has consented to be the *guardian ad litem* of the child.



6. The applicant states that she has not received or agreed to receive any payment or reward in consideration for the adoption.

Issue for Determination

7. The main issue for Determination is whether the applicant has satisfied the legal requirements under the *Children's Act* to be granted the adoption order.

The Law

8. The preliminary requirements for the making of an adoption order are set out in Section 184(1) of the *Children's Act* which provides as follows:-

No arrangement shall be commenced for the adoption of a child unless the child is at least six (6) weeks old and has been declared free for adoption by a Registered Adoption Society in accordance with the Rules prescribed in that behalf.

9. Thus for an adoption order to ensue the following ought to be taken into consideration:-
 - a. A child must be at least six (6) weeks old and free for adoption;
 - b. The child concerned must have been in the continuous care and control of the applicant within Kenya for a period of three (3) consecutive months preceding the filing of the application; and
 - c. Both the child and the applicant have been evaluated and assessed by a registered adoption society in Kenya.
10. In the instant adoption cause, the child is a grandson of the applicant whose biological father is her son. The minor has lived with the applicant since the year 2019 after separation of the minor's parents due to alcoholism related issues affecting the minor's mother. It is therefore my considered view that this is a kinship or family adoption. A kinship adoption is a domestic adoption and the requirements for kinship adoption are well set out in Part XIV of the *Children's Act* as follows:-
 - a. The applicant is above twenty five years of age and below sixty five years of age;
 - b. The applicant is a relative of the child;
 - c. The child has been declared free for adoption;
 - d. That all the reports and evaluations conducted indicate that it is in the best interests of the child that the applicant adopts the child as demonstrated by the fact that they are family, and that the applicant has been educating and providing for the child since birth.
 - e. The child has given her consent to being adopted by the applicant;
 - f. The biological parents have given their consent.
11. In deciding upon any matter involving a child court are obliged to give priority to the best interests of the child pursuant to Article 53 of the *Constitution*. The minor has been declared free for adoption by Buckner Kenya Adoption Services vide certificate serial number 08XX. The said adoption agency carried out an interview and home visit of the applicant and has recommended that the applicant is suitable and eligible to adopt the minor who is free for adoption. The adoption agency has supported their findings by filing their Social Inquiry and Home Study Report dated 15th February 2025. Furthermore, the Department of Children's Services in Kiambu made a social inquiry report and in its report dated 3rd November 2025 recommended the applicant for the adoption of the minor.



12. The biological father and mother of the minor one K K and E N have given their consent for the applicant to adopt the minor. Furthermore, the child who is twelve years old gave his consent to be adopted by the applicant.
13. Similarly, the *guardian ad litem* has recommended adoption of the child by the applicant as being in the best interests of the child. This is the person who has been given legal standing to make statements on behalf of the child. The reports show that the applicant has taken care of the minor since the year 2019; that the applicant has the financial capability to take care of the child; that her home environment is safe secure and satisfactory; that the child relates well with the applicant; that the applicant does not have any criminal record or being charged or convicted for any criminal offences referred to in the third schedule of the *Children's Act* and that the applicant has not received or agreed to receive any reward in consideration for the adoption.
14. As such, the applicant has complied with all the requirements of the law for purposes of adoption and that it is in the best interests of the child that the applicant be permitted to adopt the child. Accordingly, the Originating Summons dated 23rd July 2025 is allowed as follows:-
 - a. That the applicant is hereby authorized to adopt Baby R K K.
 - b. That the adopted baby shall be known as R K K upon adoption and that his date of birth is 22nd August 2013.
 - c. That R W K is hereby appointed as the legal guardian of R K K.
 - d. That the Registrar General is hereby ordered to make the appropriate entry in the Adoption Register.
15. It is hereby so ordered.

JUDGMENT DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 4TH DAY OF DECEMBER, 2025.

F. MUCHEMI

JUDGE

