



**In re Adoption of RSB alias RMN (The Child) (Adoption Cause 12 of 2018) [2025] KEHC 18793 (KLR) (19 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 18793 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
ADOPTION CAUSE 12 OF 2018  
MA ODERO, J  
DECEMBER 19, 2025**

**IN THE MATTER OF**

**MNN ..... 1<sup>ST</sup> APPLICANT  
HNG ..... 2<sup>ND</sup> APPLICANT**

**JUDGMENT**

1. Before this Court is the Amended Originating Summons dated 10<sup>th</sup> November 2025 by which the Applicants seek the following orders:-

- “ 1. Spent.
- 2. That the Applicants MNN and HNG be authorised to adopt Baby RSB alias R.M.
- 3. That the Honourable Court do dispense with the mother’s consent as she abandoned the baby.”

- 2. The application was supported by the statement of even date sworn by the Applicants.
- 3. The Applicants are a married couple who reside in Mungaria Village in Tetu Sub-County of Nyeri County. The couple got married in 1991 but their union was not blessed with any child. The applicants now wish to adopt the subject child in order to complete their family.
- 4. The applicants both confirmed that they understand the legal implications of an adoption order. They undertake to accord to the child all rights due to a biological child.

**Analysis And Determination**

5. I have considered this application for adoption, the evidence adduced in support thereof as well as the various reports filed in court.



6. The prerequisites for adoption are set out in Section 184 (1) (a) and (b) of the Children’s Act 2022 as follows:-
- “ (1) A person shall not commence any arrangement for the adoption of a child unless:-
- a. The council, in accordance with the rules, has declared the child free for adoption.
- b. The child has attained the age of six weeks.”
7. The subject child is a boy child who was born on 23<sup>rd</sup> March 2013. As such the subject child is now aged twelve (12) years old and is well above the six (6) week age limit provided for in law.
8. Child Welfare Society Of Kenya which is a registered adoption agency have annexed to their report dated 26<sup>th</sup> June 2023, a copy of their certificate Serial Number 1048 declaring the child free for adoption. Accordingly I am satisfied that all the legal requirements for an adoption order have been met.
9. The duty of this court is to review the evidence tabled before it to determine whether the Applicants are suitable adoptive parents.
10. The Applicants are both Kenyan citizens. They have annexed copies of their national identity cards as proof of citizenship. The Applicants are a couple who got married to each other in the year 1991. They have not been blessed with a biological child and have decided to fulfill their desire for parenthood by adopting a child.
11. The 1<sup>st</sup> Applicant works as a farmer/mason whilst the 2<sup>nd</sup> Applicant farms the family land in Tetu. The Applicants do have the means and stability to provide for the child.
12. The applicants have annexed a copy of clearance certificates issued to them by the Directorate of Criminal Investigations confirming that neither has a criminal record. The Applicants have appointed legal guardians for the child. The proposed legal guardians GNG and JN have both signed a consent dated 10<sup>th</sup> November 2025.
13. The subject child is a boy child who was born on 24<sup>th</sup> May 2013 at Bukura Health Centre in Kakamega County. A copy of the Birth Notification Serial Number 635204 is annexed to the application. Due to the fact that the pregnancy resulted from incest the biological parents of the child opted to give up the child for adoption. They approached CWSK in this regard. They were counselled and signed the consent dated 24<sup>th</sup> January 2013 indicating that the decision to give up the child for adoption was made voluntarily. To date neither parent has come forward to claim the child.
14. On 3<sup>rd</sup> May 2023 the Kakamega Childrens Court then committed the child to Springs of life Children’s Home for care and protection. The child was on 13<sup>th</sup> March 2014 released to the Applicants under a Foster Care Agreement.
15. This is a child who was voluntarily released for adoption because the parents were unable and/or unwilling to keep him due to communal stigma. I am satisfied that the necessary consents were sought and obtained in line with Section 158 (4) of the *Children Act* 2022.



16. In deciding upon any matter involving a child, courts are obliged to give priority to the ‘best interests’ of the said child. Section 8(1) of the Children Act 2022 provides that:-

“(8) In all actions concerning children, whether undertaken by public or  
(1) private social welfare institutions, courts of law, administrative authorities or legislative bodies.

a. The best interests of the child shall be the priority consideration.” [Own emphasis]

17. This is a child who was given up for adoption. He faced an uncertain future living in childrens homes. This adoption allows the child the opportunity to be raised in a stable and loving home environment.

18. I was able to see and interact with the child. He was a healthy thirteen (13) year boy who readily answered all questions put to him. The child identified the applicants as his parents.

19. I have considered the reports filed by the Adoption Agency, the Guardian Ad Litem and the Department of children’s services in Nyeri. All reports were favourable.

20. I note that this child has lived with the applicants since he was about one (1) year old. I have no doubt that he was bonded with the applicants and theirs is the only home which he has known for the past twelve (12) years.

21. In conclusion I am satisfied that this adoption serves the best interests of the child. The application is allowed and the court makes the following orders:-

1. The Applicant MNN and HNG are authorized to adopt the child know as Baby RSB.
2. Upon adoption the child will be known as RMN.
3. GNG and JN appointed as the legal guardians for the child.
4. The Registrar General is directed to make the relevant entry in the Adopted Children’s Register.

**DATED IN NYERI THIS 19<sup>TH</sup> DAY OF DECEMBER 2025.**

.....

**MAUREEN A. ODERO**

**JUDGE**

