



**In re Baby HAA (Adoption Cause E251 of 2024)
[2025] KEHC 3167 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 3167 (KLR)

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

FAMILY

ADOPTION CAUSE E251 OF 2024

SN RIECHI, J

FEBRUARY 27, 2025

IN THE MATTER OF ADOPTION OF BABY HAA

IN THE MATTER OF

RKW 1ST APPLICANT

SWN 2ND APPLICANT

JUDGMENT

1. The Applicants RKW and SWN are in a monogamous marriage. The applicants’ marriage was solemnized on 21st December 2018 under Kikuyu Customary Law and subsequently registered on 4th May 2023 at the Registrar’s Office in Nairobi as evidenced by a copy of Marriage Certificate serial number 556XXX attached to the application.
2. The male applicant is a Kenyan citizen aged 38 years old having been born on 9th February 1987 as evidenced by a copy of his national identification card number 25210XXX attached to the summons. The female applicant is a Kenyan citizen aged 31 Years old having been born on 30th August 1994 as evidenced by a copy of her national identification card number 31364XXX attached to the application.
3. The male applicant is self-employed working as a business. The female applicant is also self-employed working as a business lady. The applicants reside in Matasia,Ngong. They both profess Christian Faith.
4. The applicants union is not blessed with a child of their own and therefore the applicants wish to adopt a male child known as Baby HAA through an originating summons dated 11th November 2024.
5. The evidence on record indicates that child was born on 2nd August 2023 at Ruiru Level 4 Hospital to his biological parents PNN and EBK as evidenced by a copy of Birth Notification serial number 3348XXX attached to the summons.



6. The applicants stated that before the child's birth his biological parents PNN and EBK, visited Buckner Agency and informed them of their intention to give up their child for adoption as evidenced by their joint letter of consent dated 28th July 2023 attached to the summons.
7. From evidence on record, Buckner Agency conducted an inquiry into the matter as evidenced by a Form for Social Inquiry dated 28th July 2023 attached to the summons.
8. From the pleadings, this court finds that the parents were taken through an explanatory Memorandum for Biological Parent/Guardian as evidenced by a copy of a Certificate of Acknowledgement signed on 28th July 2023 certifying they have read and understood the attached memorandum.
9. From the pleadings, the child's parents restated their desire and intention to give the child up for adoption as evidenced by a second joint Letter of Consent dated 3rd August 2023 attached to the application.
10. The Sub-County Children's Officer, Ruiru was informed of the matter and he sought a vacancy for the child at New Life Home Trust as evidenced by a Case Referral Form dated 3rd August 2023 attached to the application. A vacancy was found at New Life Home Trust and on the same day, 3rd August 2023, the child was discharged from Ruiru Level 4 Hospital and given into the said Home as evidenced by attached to the application a copy of a Discharge Summary and a Rescue Referral Form, both dated 3rd August 2023.
11. The applicants stated the child was admitted into the New Life Home Trust on 3rd August 2023 as evidenced by an Admission Form attached to the application.
12. The applicant stated further that on admission into New Life Home Trust, the child was tested for HIV and he also underwent a general health check as evidenced by a HIV Rapid Testing - Results Form and a Baby Assessment Form attached to the application.
13. From the pleadings, this court finds that six weeks after the child's birth, the parents reiterated their intention and willingness to give the child up for adoption as evidenced by a third joint Letter of Consent dated 15th September 2023 attached to the application.
14. The applicants stated that Carolyn Karanja Wanjia, a mutual friend to the child's parents, confirmed that the parents were maternal cousins and she was in support of their decision to give their child up for adoption as evidenced by a Written Statement dated 15th September 2023 attached to the application.
15. From evidence on record, the Sub-County Children's Officer, Ruiru applied for the committal of the child into New Life Home Trust to Ruiru Children's Court through C & P Number E048 OF 2023. The Committal Orders were issued as prayed as evidenced in an Extract of Committal Orders given on 18th October 2023 attached to the application.
16. This court was informed that the child's biological mother, PNN returned to Buckner Agency and gave her final consent as evidenced by an Affidavit Sworn on 5th March 2024 and her Kenya ID No. 3234XXXX. attached to the application. The child's biological father, EBK also gave his final consent to the adoption of the child as evidenced by an Affidavit Sworn on 5th March 2024 and his Kenya ID No. 3852XXXX. attached to the application.
17. From the pleadings, this court finds that the Case Committee of Buckner Agency, satisfied that the adoption would be in the best interests of the child, sat and deliberated on 14th February 2024 as evidenced by a preliminary Report to Declare a Child Free for Adoption compiled by the Adoption Society attached to the summons.



18. The child was consequently declared free for adoption on 14TH February 2024 by the Case Committee of Buckner Agency as evidenced by a Certificate of Declaring a child Free for Adoption Serial Number 0750 attached to the application.
19. The applicants stated that they do not have previous criminal record and no pending criminal prosecution as evidenced by a copies of police clearance certificate attached to the application.
20. The applicants stated they are physically and emotionally fit and healthy to parent, love and care for the child as evidenced by copies of their Medical report attached to the application.
21. The applicant stated they are financially stable and therefore able to provide fully for the child's need as evidenced by copies of their financial documents attached to the application.
22. The guardian ad litem Ms.Grace Wanjiru Kahara filed a report dated 22nd January 2025 which was favourable and recommended the adoption of the child by the Applicants.
23. Mr.Ezekiel Kimani, Assistant Director Children Services Children conducted home visits and established that the applicants are financially and emotionally capable of providing for the upkeep and education of the child and filed a report dated 3rd January 2025 recommending the adoption for reasons that 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.
24. The legal guardian Ms.CNN consented to be appointed as legal guardian of the child and she signed and filed her letter of consent attached to the application.
25. This is a local adoption and from the record the Applicant has fulfilled all the legal requirements relating to the adoption of the child.
26. 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 Applicant. I therefore allow the prayers sought in the originating Summons dated 11th November 2024 and Order as follows:
 - i. The Applicants RKW and SWN are hereby allowed to adopt Baby HAA who shall henceforth be known as Evanson Wanyoike Kariuki .
 - ii. CNN 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 27TH DAY OF FEBRUARY 2025.

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S. N. RIECHI

JUDGE

