



In re Adoption of Baby MM aka Baby MMM (Child) (Adoption Cause E002 of 2024) [2025] KEHC 7862 (KLR) (29 May 2025) (Ruling)

Neutral citation: [2025] KEHC 7862 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
ADOPTION CAUSE E002 OF 2024
HM NYAGA, J
MAY 29, 2025**

IN THE MATTER OF

**NM 1ST APPLICANT
KGM 2ND APPLICANT**

RULING

1. By an Originating Summons dated 3rd September, 2024, the Applicants herein (N.M. and K.G.M.) applied for orders that they be allowed to adopt Baby M.M. alias Baby M.M.M.
2. The Applicants filed all the requisite documents which are listed in their list of documents filed with the originating summons.
3. When the parties appeared in court, an unusual occurrence took place. The Applicants stated that there were no longer interested in pursuing the adoption. They gave their reasons which are on the court record but for legal reasons, will not be restated herein.
4. The court referred the Applicants to the Children Officer who filed a report, whose contents I have noted but, again, for legal reasons and in order to protect the child, the same will not be set out in this ruling.
5. It suffices to state that while the Children Officer found the Applicants to be socially, physically and financially fit to be appointed as adoptive parents, they are not psychologically and emotionally ready to become such. They reiterated their desire to halt the process.
6. The Children officer found that if the adoption orders are granted against the wishes of the Applicants, the child will grow up in an environment where he may eventually feel unwanted, which will be detrimental to his development.
7. Given the turn of events, the court has to make a decision on how to deal with the child.



8. Article 53(2) of the Constitution provides as follows regarding matters involving a child:-
“A child’s best interests are of paramount importance in every matter concerning the child.”

9. In addition Section 8(1) of the Children Act 2022 provides as follows:-

“Best interests of the child.

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies— (a) the best interests of the child shall be the primary consideration.”

10. Therefore in whatever decision that the court has to make, the primary concern is the welfare of the child.

11. Having considered the matter, I concur with the Children Officer that the Applicant are not psychologically ready to adopt the baby. It is a sad situation since the baby has been with them for quite some time. He has adjusted to life with the Applicants. The Applicants’ other child has also gotten used to having a baby brother around. However, the future of the child is of paramount importance.

12. Consequently, I order that the Children Officer liaises with the Applicant to have child M.M. alias M.M.M returned to Ripples International for care and protection.

13. In the event that Ripples International, for some reason are unable to receive the child, the Children Officer is to find a suitable alternative. The officer may approach the court for a variation of the placement orders.

14. Even as the adoption is halted, I would strongly advise the Applicants to make sure that the process of releasing the child does not traumatize him. A child is not a commodity that can just be delivered at once. They will need to, if necessary, make it a gradual process. The process will undoubtedly affect all the parties including the applicants. A follow up counselling session is highly recommended.

15. The court will give a mention date to confirm the status of the child and make any other necessary orders.

DATED, SIGNED AND DELIVERED IN MERU THIS 29TH DAY OF MAY, 2025.

H. M. NYAGA

JUDGE

