



**PAO & another (Adoption Cause E001 of 2024)
[2024] KEHC 4036 (KLR) (25 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4036 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT HOMA BAY
ADOPTION CAUSE E001 OF 2024**

KW KIARIE, J

APRIL 25, 2024

IN THE MATTER OF

PAO 1ST APPLICANT

FYA 2ND APPLICANT

RULING

1. PAO and F.Y.A, the applicants herein, moved the court by Originating Summons dated the 9th day of February 2024. It was brought under section 154 (1) of the Children Act No. 8 of 2001. They are seeking an order to adopt H.A., a minor aged thirteen.
2. The application was premised on the following grounds:
 - a. That the applicants are husband and wife.
 - b. That the minor is P.A.O.’s cousin.
3. It would appear that the applicants were unaware that the Children Act No. 8 of 2001 had been repealed and replaced with Children Act No. 29 of 2022. Adoption issues are covered under part XIV.
4. Before any child is made a subject for adoption, there must be compliance with section 184 (1) (a) of the Act. The section provides:
 - (1) A person shall not commence any arrangements for the adoption of a child unless—
 - (a) the Council, in accordance with the rules, has declared the child free for adoption;
 This has not been demonstrated to have been complied with.
5. I have noted that the applicants have not indicated why they intend to adopt the minor. They referred to the minor’s parents without giving any details. It is essential to state and demonstrate whether they are alive and, if so, what is their input in the adoption.



6. This application lacks the necessary details and does not comply with the *Children Act* No. 29 of 2022 to warrant the orders sought. It has been declined but can be redeemed with strict compliance with the *Act*.

DELIVERED AND SIGNED AT HOMA BAY THIS 25TH DAY OF APRIL 2024

KIARIE WAWERU KIARIE

JUDGE

