



**In re FAT (Minor) (Adoption Cause E203 of 2024)  
[2024] KEHC 15925 (KLR) (Family) (18 December 2024) (Judgment)**

Neutral citation: [2024] KEHC 15925 (KLR)

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

**FAMILY**

**ADOPTION CAUSE E203 OF 2024**

**H NAMISI, J**

**DECEMBER 18, 2024**

**IN THE MATTER OF THE CHILDREN ACT,**

**CAP 141 OF THE LAWS OF KENYA**

**AND**

**IN THE MATTER OF ADOPTION OF BABY FLYNN AMYRAH TANWIR (MINOR)**

**IN THE MATTER OF**

**RNW ..... APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 24 September 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
  - i. That the Applicant be authorised to adopt Baby FAT, an infant, who is to be known as EWB and the Registrar General be directed to enter this adoption into the Register of Adoption;
  - ii. That Jane Wanjiru Wambugu be appointed as legal guardian of the minor who shall be presumed to have been born in Kenya.

**The Child**

2. The child (female) was born on 22 November 2023 to PAK (mother) and AMT (father). She is currently 1 year old. The biological parents of the child were college students and offered up the child for adoption due to their limited financial resources. They gave their initial consent on 23 November 2023 and final consent on 16 February 2024. The child was admitted at the New Life Home in February 2024 until 31 May 2024, when she was placed with the Applicant.



3. The child was declared free for adoption by the Little Angels Network, a registered Adoption Agency, vide the annexed Certificate serial number 002453. I am, therefore, satisfied that this legal pre-requisite for an adoption has been met.

### **The Applicants**

4. The Applicant is a Kenyan citizen, working as a Security Analyst at the United Nations. She is married to a British citizen, who although is not enjoined in this adoption cause, had consented to the said adoption. The Applicant has no other children.
5. The Applicant, aged 44 years, stated that she is financially capable of providing for the child. She confirmed that she fully understands the implications of an adoption order.
6. At the hearing, it was noticeable that the child was very comfortable with both Applicant and her husband. The child was happy and playful, and at ease with her proposed legal guardian.

### **The Adoption Application**

7. I have considered the Summons, the evidence on record as well as the various reports filed.
8. The duty of this Court is to analyse the material before it to determine whether the Applicants are suitable adoptive parents. The Applicant states that she is a committed Christian and intends to raise the child in the Christian faith. The Applicant has made reference to copies of financial statements, but failed to attach the same. However, I have seen documentation indicating that she is an employee of the United Nations, currently on parental leave. She also indicated that she is due to resume her work in Vienna, Austria in February 2025. The Applicant has annexed clearance certificate from the Kenya Police Service as proof that she has no criminal record. There are no recommendation letters provided, leaving this Court to rely on the reports filed by the Adoption Agency as well as the Directorate of Children Services on the character of the Applicant.
9. The Applicant presented J.W.W as proposed legal guardian for the child. The said legal guardian is the Applicant's mother, and signed a consent dated 24 September 2024 indicating her willingness to step in and care for the child in the event the Applicant is unable to provide for the child. The proposed legal guardian is a business lady and resides in Kiambu and Nyeri counties. She confirmed that she understood her role and responsibilities.
10. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

### **Analysis and Determination**

11. The child herein was born at [Particulars withheld] Hospital in Nairobi County to Kenyan parents. She is, therefore, a citizen of Kenya by birth. The biological parents of the child willingly offered her for adoption and signed consents to that effect. This adoption, therefore, allows the child the opportunity to be raised in a stable and loving home environment.
12. In deciding any matter involving a child, the court is obligated to give priority to the best interest of the child. Section 8 of the [Children Act](#) provides:
  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;



- b. The best interests of the child shall include, but shall not be limited to the considerations set out in the First Schedule;
  2. All judicial and administrative institutions, and all persons acting in the name of such institutions, when exercising any powers conferred under this Act or any other written law, shall treat the interests of the child as the first and paramount consideration to the extent that this is consistent with adopting a course of action calculated to:-
    - a. Safeguard and promote the rights and welfare of the child;
    - b. Conserve and promote the welfare of the child; and
    - c. Secure for the child such guidance and correction as is necessary for the welfare of the child, and in the public interest.
13. I have considered the Reports filed by the Adoption Agency, the Guardian Ad Litem, the Director of Children Services, all of which were positive and recommended the adoption. I was able to see the child online.
14. It is, therefore, my view that the adoption does serve the best interests of the child.
15. Accordingly, I allow the Summons and make the following orders:
  - i. That the Applicant, R.N.W, is allowed to adopt the child currently identified as Baby F.A.T;
  - ii. Upon adoption, the child shall be renamed EWB;
  - iii. The child is declared to be a Kenyan citizen by birth, entitled to all the rights and privileges under the Constitution of Kenya and all applicable laws;
  - iv. J.W.W is appointed as Legal Guardian of the child,
  - v. The Guardian *ad Litem* is hereby discharged;
  - vi. That the Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;

**DATED AND DELIVERED AT NAIROBI THIS 18 DAY OF DEC 2024**

**HELENE R. NAMISI**

**JUDGE**

Delivered on a virtual platform in the presence of

Mr. Odunga h/b Ms. Ambaka .....for the Applicant

