



REPUBLIC OF KENYA



**In re Adoption of Baby PM (Adoption Cause E259 of 2024)
[2025] KEHC 5444 (KLR) (Family) (2 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 5444 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E259 OF 2024
H NAMISI, J
MAY 2, 2025**

IN THE MATTER OF

IWK APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 12th November 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the Applicant be authorized to adopt Baby P.M., a minor herein;
 - ii. That upon adoption, the child be known as C.W.K;
 - iii. That the Registrar General be ordered to make the appropriate entries in the Adopted Children's Register in respect of C.W.K;
 - iv. That the Court be pleased to appoint S.W.K and B.M.M as legal guardians of Baby P.M alias C.W.K upon granting of the adoption order;
 - v. That baby C.W.K be considered a Kenyan citizen;
 - vi. S.W.K. and B.M. be appointed as the legal guardians of the child;
 - vii. That the Court be pleased to grant any further orders it may deem necessary.

The Child

2. The child (female) was presumably born on 1 September 2020. The first letter from the Githunguri Police Station, dated 2nd September 2020, indicates that the child was found abandoned in a coffee plantation in Ikuni Ward on 2 September 2020. Upon rescue, she was placed at Divine Mercy



Children's Home and was formally committed to the centre by the Children's Court at Githunguri, Protection and Care Case No. E011 of 2023.

3. The final letter from the Police Station is dated 21 November 2023, indicating that no one has claimed the child. The child was finally placed under the foster care of Divine Mercy Children's Home.
4. The child was declared free for adoption by the Kenya Children's Homes Adoption Society, a registered Adoption Agency, vide the annexed Certificate serial number 996. I am, therefore, satisfied that this legal prerequisite for an adoption has been met.

The Applicant

5. The Applicant is a Kenyan citizen aged 47 years, residing in Kenya Re Gardens Estate, Nairobi. She ekes a living as an ICT Technician. She has no children, biological or otherwise.
6. The Applicant's motivation for adopting the child is her desire to give the child a family, a home and an identity. She has also always wanted to be a mother, and age is catching up with her, thus, she has decided that adoption would be the best avenue for her. She has confirmed that she understood the implications of an adoption order and that the same is irreversible.

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 analyze the material before it to determine whether the Applicant is a suitable adoptive parent. The Applicant states that she is a committed Christian who attends church at Shrines of Mary Help of Christians, and intends to raise the child in a loving Christian home.
9. The Applicant presented copies of title deeds, bank account details, Police Clearance Certificate as well as recommendations, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These disclose that the Applicant is financially, socially, physically and mentally fit to adopt the child.
10. Additionally, pursuant to section 195 of the *Children Act*, the Applicant provided letters of consent from S.W.K. and B.M., agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicant. S.W.K. and B.M., a married couple, are the Applicant's sister and brother in law.
11. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination.

12. The child herein was found abandoned by his suspected mother in a coffee plantation in Ikinu Ward on 2nd September 2020. She is, therefore, a citizen of Kenya by birth.
13. In deciding any matter involving a child, the Court is obligated to give priority to the best interests 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.

14. I have considered the Reports filed by the Adoption Agency, the Guardian Ad Litem, and the Director of Children Services, all of which were positive and recommended the adoption. I was able to see the child online, and I am satisfied that the child is healthy, well-groomed and happy.

15. Right from the start, this child lived in a Home, having been abandoned by her biological parents. She faced an uncertain future in an environment that is not the most conducive. It is, therefore, my view that the adoption does serve the best interests of the child.

16. Accordingly, I allow the Summons and make the following orders:
 - i. That the Applicant, I.W.K., is allowed to adopt the child currently identified as Baby P.M.;
 - ii. Upon adoption, the child shall be renamed C.W.K.;
 - 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. S.W.K. and B.M. are appointed as the legal guardians of the child;
 - v. The Guardian *ad Litem* is hereby discharged;
 - vi. The Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;

DATED AND DELIVERED AT NAIROBI THIS 2 DAY OF MAY 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

Ms. Gicheha..... For the Applicants

Libertine Achieng Court Assistant

