



REPUBLIC OF KENYA



**In re Baby CC (Adoption Cause E258 of 2024)
[2025] KEHC 5366 (KLR) (Family) (2 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 5366 (KLR)

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

FAMILY

ADOPTION CAUSE E258 OF 2024

H NAMISI, J

MAY 2, 2025

IN THE MATTER OF ADOPTION OF BABY CC TO BE KNOWN AS ZJL

IN THE MATTER OF

CML 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 and is hereby authorized to adopt Baby CC, minor herein;
 - ii. That upon adoption, the child be known as ZJL;
 - iii. The Registrar General be ordered to make appropriate entries in the Adopted Children's Register in respect of ZJL;
 - iv. That the Court be pleased to appoint CAL as the legal guardian of baby ZJL upon granting of the adoption orders;
 - v. That baby ZJL be considered a Kenyan citizen;
 - vi. That the court be pleased to make any further orders it deems necessary.

The Child

2. It is presumed that the child (female) was born on 14th October 2020. Investigations led by the Directorate of Criminal Investigations and Sub-County Children's Officer in Langata revealed that the child is suspected to have been trafficked. Upon rescue, she was placed at Thomas Barnados on 29th December 2020. She was committed to the Centre by the Children's Court at Nairobi, vide Protection and Care Case No. 321 of 2020.



3. The child was declared free for adoption by the Kenya Children's Homes Adoption Society's Case Committee, a registered Adoption Agency, vide the annexed Certificate serial number 1005. I am, therefore, satisfied that this legal prerequisite for an adoption has been met.

The Applicant

4. The Applicant is a Kenyan citizen aged 50 years, residing in Naivasha. She ekes a living as a Registration Officer. The Applicant's motivation for adopting the child is because she would like to positively touch a child's life as a mother. She also wants to give a child a home and make a difference. The Applicant's desire is to be called a mum and fulfill the responsibilities that come with it. She confirmed that she understood the implications of an adoption order and that the same is irreversible.

The Adoption Application

5. I have considered the Summons, the evidence on record, as well as the various reports filed.
6. The duty of this Court is to analyse the material before it to determine whether the Applicant is a suitable adoptive parent. The Applicant states that she is a committed Christian and intends to raise the child in a loving Christian home. 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 demonstrate that the Applicant is financially, socially, physically and mentally fit to adopt the child.
7. Additionally, pursuant to section 195 of the *Children Act*, the Applicant provided letters of consent from CAL, agreeing to be the legal guardian of the child in the event that anything untoward happens to the Applicant. CAL is the Applicant's sister.
8. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

9. The child herein was born on 14th October 2020. On 17 October 2020, she was admitted at the Kenyatta National Hospital. Having been found in Kenya just 3 days after her birth, the child is, therefore, a citizen of Kenya by birth.
10. 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:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies–

The best interests of the child shall be the primary consideration;

The best interests of the child shall include, but shall not be limited to the considerations set out in the First Schedule;

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:-

Safeguard and promote the rights and welfare of the child;

Conserve and promote the welfare of the child; and



Secure for the child such guidance and correction as is necessary for the welfare of the child, and in the public interest.

11. 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.
12. It is, therefore, my view that the adoption does serve the best interests of the child.
13. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicant, CML., is allowed to adopt the child currently identified as Baby CC, who shall be renamed ZJL;
 - ii. 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;
 - iii. CAL is appointed as the legal Guardian of the child;
 - iv. The Guardian ad Litem is hereby discharged;
 - v. 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 Applicant

Libertine Achieng.....Court Assistant

