



**In re JS alias Abandoned Baby Boy (Adoption Cause E257 of 2024)
[2025] KEHC 5455 (KLR) (Family) (2 May 2025) (Judgment)**

Neutral citation: [2025] KEHC 5455 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E257 OF 2024
H NAMISI, J
MAY 2, 2025**

IN THE MATTER OF ADOPTION OF BABY J.S ALIAS ABANDONED BABY BOY

IN THE MATTER OF

JKC 1ST APPLICANT

AWK 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated November 27, 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - a. That the Applicants be authorized to adopt Baby JS, a minor who is to be known as BKB and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - b. That PKC and LJB be appointed as the legal guardians of the child;
 - c. That the child be presumed to be born in Kenya.

The Child

2. The child (male) was born on 29th August 2023. A Certificate of Birth bearing serial number 119871 was issued. On 10 November 2023, while travelling to Kibwezi, the biological mother of the child left him in the hands of one Rose Mwikali Mwonga. The biological mother disappeared thereafter. The matter was reported to the Kibwezi Police Station vide OB No. 29/10/11/2023 and a further report at Machakos Police Station vide OB No 28/21/11/2023.
3. The child was placed at Mahali pa Maisha on 21st November 2023. He was formally committed to the centre by the Children’s Court at Machakos, Protection and Care Case No E052 of 2023.



4. The final letter from the Police Station dated 30th May 2024 indicates that no one claimed the child. The child was finally placed under the foster care of Mahali pa Maisha.
5. The child was declared free for adoption by the Buckner Kenya Adoption Society, a registered Adoption Agency, vide the annexed Certificate serial number 0775. I am, therefore, satisfied that this legal prerequisite for an adoption has been met.

The Applicants

6. The 1st Applicant is a Kenyan citizen, residing in Nakuru county and eking a living as a businessman. He is 41 years old and has been married to the 2nd Applicant since March 2016. They have one son of their own, JK, who is four years old). The 2nd Applicant is also a Kenyan citizen, residing in Nakuru County. She is a civil servant, aged 40 years.
7. The Applicants wished to adopt the child so as to give the child a home where he will belong. They also expressed their desire to have a big family. Due to a medical condition, the Applicants are unable to have more children. They confirmed that they understood the implications of an adoption order and that the same is irreversible.
8. At the hearing, it was noticeable that the child was very comfortable with the 2nd Applicant, who was holding him.

The Adoption Application

9. I have considered the Summons, the evidence on record, as well as the various reports filed.
10. The duty of this Court is to analyze the material before it to determine whether the Applicants are suitable adoptive parents. The Applicants state that they are committed Christians and intend to raise the child in a loving Christian home. They have provided a reference letter from the Reverend Father at Africa Inland Church-Kenya, as well as two reference letters from a friend and a family member. They have also attached copies of their pay slips and bank statements to prove their financial capability.
11. The Applicants annexed clearance certificates of good conduct from the Kenya Police Service as proof that they have no criminal record.
12. The Applicants presented PKC and LJB as the proposed legal guardians for the child. The said legal guardians are a married couple. PKC is the brother of the 1st Applicant. They signed a consent dated 21st May 2024, indicating their willingness to step in and care for the child in the event the Applicants are unable to provide for the child. They confirmed that they understood their role and responsibilities towards the child.
13. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.

Analysis and Determination

14. The child herein was found abandoned by his suspected mother in a matatu headed to Kibwezi sub-county. He was 2 months old at the time. He is, therefore, a citizen of Kenya by birth.
15. 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:-

- i. Safeguard and promote the rights and welfare of the child;
- ii. Conserve and promote the welfare of the child; and
- iii. Secure for the child such guidance and correction as is necessary for the welfare of the child, and in the public interest.

16. 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.

17. It is, therefore, my view that the adoption does serve the best interests of the child.

18. Accordingly, I allow the Originating Summons and make the following orders:

- i. That the Applicants, J.K.C. and A.W.K., are allowed to adopt the child currently identified as Baby J.S alias Abandoned Baby;
- ii. Upon adoption, the child shall be renamed B.K.B;
- 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. PKC and LJB 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 OF KENYA

Delivered on Virtual Platform in the presence of:

Ms. Omoma h/b Ms. Muhanda.....for the Applicants

Libertine Achieng..... Court Assistant

