



**In re Baby HZ alias MHO (Adoption Cause E010 of 2025)
[2025] KEHC 8707 (KLR) (Family) (20 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8707 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E010 OF 2025
H NAMISI, J
JUNE 20, 2025**

IN THE MATTER OF

EAK APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 20 January 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. Spent
 - ii. That EAK be appointed as the legal guardian of the minor;
 - iii. Spent
 - iv. That the Applicant be granted adoption orders in respect of Baby HZ alias MHO, the minor herein;
 - v. That the Court does issue such further orders as it may deem fit in the interest of the child

The Child

2. The child (female) was born on 4 May 2023. She was found abandoned in Eastleigh area near Mama Fatuma Children's Home in Nairobi. The matter was reported to the Pangani Police Station vide OB NO. 0XXXX/2023. The child was placed at New Life Children's Home by the Starehe sub-county Children's Office and later committed to the same institution on 17 May 2023 by the Children's Court at Nairobi.
3. The initial and final Letters from the Police dated 11 May 2023 and 24 July 2024, respectively, confirm that no one has claimed the child since then.



4. On 30 January 2024 the child was placed with the Applicant herein for the mandatory bonding period prior to adoption. She has been in her care since then.

The Applicant

6. The Applicant is a Kenyan citizen. She is single and has no biological children. The Applicant is employed at the State Department for Cabinet Affairs – ODPP. She has always loved children and wanted to provide for a needy child. The reports by the Adoption Agency and Director of Children Services confirm that the Applicant is financially capable of taking care of the child. The Applicant confirmed that she understands the implications of an Adoption Order and that the same is not reversible.

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 stated that she is a committed Christian and that she intends to raise the child in a Christian development to ensure full spiritual development.
9. The Applicant presented copies of bank statements to demonstrate her financial capability. She also presented a Police Clearance Certificate pursuant to the provisions of The Children (Adoption) Regulations, 2020. These demonstrate that the Applicants are financially, socially, physically and mentally fit to adopt the child.
10. Additionally, pursuant to section 186 of the *Children Act*, the Applicants provided letter of consent from E.A.K agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicants. The proposed legal guardian is related to the Applicant.
11. Pursuant to section 187(2)(a) of the *Act*, the child was declared free for adoption by Little Angels Network, a registered adoption agency, on 7 August 2024 and a Certificate Number 002491 issued.
12. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

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;
 - a. 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;
 - a. Conserve and promote the welfare of the child; and



- a. 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. He appeared to be in good spirits and very comfortable with the Applicants. Bearing in mind that this child had been abandoned and faced an unknown future, it is my view that the adoption serves the best interests of the child. Not only will the adoption give the child a sense of belonging, but it will also give him the opportunity to grow up like every other child.

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

- i. The Applicant, E.A.K, is hereby authorised to adopt the child known as Baby HZ alias MHO;
- ii. EAK is appointed as the legal Guardian of the child,
- iii. The Guardian ad Litem is hereby discharged;

DATED AND DELIVERED AT NAIROBI THIS 20 DAY OF JUNE 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

Ms. Atienofor the Applicant

Libertine AchiengCourt Assistant

