



REPUBLIC OF KENYA



KENYA LAW
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**In re GE alias GMN (Baby) (Adoption Cause E002 of 2024)
[2025] KEHC 8772 (KLR) (16 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8772 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
ADOPTION CAUSE E002 OF 2024
JM NANG'EA, J
JUNE 16, 2025
IN THE MATTER OF ADOPTION OF BABY G.E ALIAS G.M.N**

BETWEEN

SNN APPLICANT

AND

GE ALIAS GMN SUBJECT

JUDGMENT

1. Vide Originating Summons dated 10th February 2021 expressed to be brought pursuant to sections 154, 156, 157, 158, 159, 160, 161 and 170 all of the *Children Act* No. 8 of 2001 as well as section 24 of the *Interpretation and General Provisions Act*, and all other enabling provisions of law, the Applicant prays for orders as hereunder;
 1. Spent.
 2. That the Minor be presumed as a Kenyan citizen.
 3. Spent.
 4. That the court does dispense with consent of the biological parents of the minor.
 5. Spent.
 6. That the Applicant be authorized to adopt Baby G.E. alias G.M.N and the child be known as G.M.N.
 7. That SMN PO Box No. [Particulars Withheld] in the Republic of Kenya be appointed Legal Guardian of the Minor.



8. That the Registrar - General does make the appropriate entries in the Adopted Children's register in respect of the child.
 9. That the Registrar of Births and Deaths be directed to issue the child with a certificate of birth in the name of G.M.N .
2. It is noted that the Application is brought under the repealed *Children Act* No. 8 of 2001 instead of the now operational *Children Act* No. 29 of 2022. Nevertheless, the court will ignore the technical defect of dint of Article 159 (2) (d) of the *constitution* and determine the merits of the Application.
 3. The Application is supported by the Applicants' and *guardian ad litem's* affidavit as well as oral evidence. The court also interviewed the subject child as well as their oral evidence. The Applicant, aged 52, *inter alia* expresses her desire to adopt the child. The child is in school and does not object to being given in adotion as prayed. The court is further told that the Applicants' family members are not opposed to the Application.
 4. EAO is the *guardian ad litem* appointed by this court. She positively appraises the Applicant noting that she has been taking good care of the child who is in school.
 5. The Nakuru County Children's Department does not also object to the application and approves the Applicant as suitable to adopt the child. Oral or affidavit evidence was not provided by the office but a report showing that the Applicant and the child were visited at their home was filed.
 6. Having perused the relevant reports and evidence in respect of the Application, the court's duty is to determine if the Applicant is fit to adopt the Subject. Article 53 (2) of the *Constitution* provides that the child's best interests are the paramount consideration in every aspect concerning the child's welfare. This legal position is reiterated in Section 8 (1) of the *Children's Act* 2022 which provides that:

“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.”
 7. This principle is underscored in Artilce (2) of the *Geneva Declaration of the Rights of the Child* (1924) as well as in article 3 of the *United Nations Convention on the Rights of the Child*. The Kenyan courts in many cases including in *Re B (Baby)* [2018] eKLR have given effect to this important principle by restating that the law is intended to protect and promote the welfare of children by according them stable family units under which to grow. Indeed Article 45(1) of the *Constitution* declares as follows:

“The family is the natural and fundamental unit in society and the necessary basis of social order, and shall enjoy the recognition and protection of the State.”
 8. Section 186 of *Children Act* provides *inter alia* that a sole Applicant aged between 25 and 60 years and more than 21 years older than the child qualifies for an adoption order.The Applicant meets this criteria.
 9. The Subject child requires full parental care and guidance as well as provision of basic rights like shelter, education, health and clothing. I am satisfied that the Applicant has the requisite qualities and capacities to guarantee the child's welfare which she is already providing to the satisfaction of the child. The Applicant therefore meets all the legal requirements of the law and I will allow her to be the Subject's adoptive mother, being suitable to execute the critical parental role.
 10. The following orders accordingly issue;-



- a. The Applicant is hereby authorized to adopt the subject child who will henceforth be known as GMN.
- b. The Registrar-General is directed to enter this adoption order in the Adopted Children's Register and issue a necessary Certificate to that effect.
- c. The Registrar of Births and Deaths will issue a certificate of birth to the child.
- d. That the appointment of the *guardian ad litem* is revoked and instead SMN will be the Legal Guardian of the subject pursuant to the provisions of Section 195 (1) of the [Children Act](#) No. 29 of 2022.
- e. No order is made as to the costs of the application.

11. Judgement accordingly.

J. M. NANG'EA, JUDGE.

JUDGEMENT DELIVERED VIRTUALLY THIS 16TH DAY OF JUNE 2025 IN THE PRESENCE OF:

The Applicants' Advocate, Mr. Mureithi.

The Applicant, Absent.

The Court Assistant, Jeniffer.

J. M. NANG'EA, JUDGE.

