



In re Adoption of Abandoned Infant alias Abandoned Baby alias LI (Adoption Cause E025 of 2025) [2025] KEHC 8242 (KLR) (Family) (12 June 2025) (Judgment)

Neutral citation: [2025] KEHC 8242 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E025 OF 2025
H NAMISI, J
JUNE 12, 2025
IN THE MATTER OF ADOPTION OF ABANDONED
INFANT ALIAS ABANDONED BABY ALIAS LI

IN THE MATTER OF

AMK 1ST APPLICANT

ZMP 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 4 February 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. Spent
 - iii. That the Applicants be authorised to adopted Abandoned Infant alias Abandoned Baby alias LI to be known as LGIK;
 - iv. That the child be presumed to be a Kenyan citizen by birth;
 - v. That the child's date of birth be 5 May 2023 and the place of birth be Kahawa Sukari;
 - vi. That the Registrar General be directed to enter the adoption in the Adopted Children's Register;
 - vii. That the Director Immigration be authorised to issue the child with a Kenyan passport;



- viii. That CWK and NNM be appointed the legal guardians of the child in the event of death or incapacity of the Applicants before the child is of age or independent.

The Child

2. It is estimated that the child (female) was born on 5 May 2023. She was found abandoned on 5 May 2023 at Kahawa Sukari Estate, Kenversity area, Nairobi. She was rescued by good Samaritans who reported the matter at the Kahawa Sukari Police Station vide OB No. 31/5/5/2023.
3. The child was admitted at Thika Level 5 Hospital for treatment and thereafter placed at New Life Home. She was later committed to the same institution by the Children's Court at Ruiru through P&C File No. E032 of 2023.
4. The child was placed with the Applicants on 8 August 2024 for the mandatory bonding period prior to adoption. She has been in their care since then. She recently turned 2 years old.

The Applicants

6. The Applicants are Kenyan citizens, born in 1974 and 1977, respectively. They are a married couple. They have been married since 20 December 2008. They have three biological children aged 13, 10 and 6 years. The children wrote lovely letters concerning their views on the adoption.
7. The 1st Applicant is an insurance consultant, while the 2nd Applicant is a Human Resource consultant. They confirmed that they are financially stable to take care of the child. The Applicants confirmed that they understand the implications of an Adoption Order and that the same is not reversible.

The Adoption Application

10. I have considered the Summons, the evidence on record, as well as the various reports filed.
10. The duty of this Court is to analyse the material before it to determine whether the Applicant is a suitable adoptive parent. The Applicants stated that they are committed Christians and that they intend to raise the child in a Christian development to ensure full spiritual development.
10. The Applicants presented copies bank statements, Police Clearance Certificate as well as recommendations from friends and family, all 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 195 of the *Children Act*, the Applicants provided letters of consent from CWK and NNM agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicants. The proposed legal guardians are related to the Applicants.
10. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.

Analysis and Determination

15. The child herein was found in Kenya soon after birth. She is, therefore, a citizen of Kenya by birth.



16. 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.

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

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

- i. That AMK and ZMP are hereby authorised to adopt the child currently identified as Baby Abandoned Infant alias Abandoned Baby alias LI, who shall henceforth be known as LGIK;
- 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. The Director Immigration do issue a Kenyan passport to the child;
- iv. CWK and NNM 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 12 DAY OF JUNE 2025

HELENE R. NAMISI

JUDGE

Delivered on virtual platform in the presence of:

Ms. Wanja h/b Ms. Kiguatha...for the Applicants

Libertine AchiengCourt Assistant

