



In re Adoption of Baby LB alias Abandoned Baby Boy (Adoption Cause E041 of 2025) [2025] KEHC 8142 (KLR) (Family) (12 June 2025) (Judgment)

Neutral citation: [2025] KEHC 8142 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E041 OF 2025
H NAMISI, J
JUNE 12, 2025**

IN THE MATTER OF

AMM 1ST APPLICANT

AMM 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 24 February 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. That the Applicants be authorised to adopt Baby LB, a minor who is to be known as L.B.M and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - ii. That F.N.M be appointed as the legal guardian of the child;
 - iii. That the child be declared to be a Kenyan citizen by birth and is entitled to all the rights and privileges and other benefits thereto;
 - iv. That the date of birth be 4 June 2021 at Kitengela in Kajiado County.

The Child

2. It is estimated that the child (male) was born on 4 June 2021. He was reported to have been abandoned within Noonkopir area in Kitengela, Kajiado County, by a good Samaritan who rescued the child and reported the matter to at Kitengela Police Station vide OB NO. 24/1/7/2021. The child was later taken to Nairobi Women’s Hospital – Kitengela for medical assessment.
3. The final letter from the Police dated 14 October 2021 confirmed that nobody had raised an issue or concerns regarding the child.



4. On 19 August 2021, the child was committed to Mission 180 Children’s Home, through the Children’s Court at Kajiado Law Courts. He was later placed with the Applicants herein on 1 November 2024 for the mandatory bonding period prior to adoption. He has been in their care since then.

The Applicants

6. The Applicants are Kenyan citizens. They are a married couple. They have been married since 17 March 2021. The 1st Applicant is employed with the Kenya Defence Forces, while the 2nd Applicant is a teacher. The 1st Applicant was previously married and had three children from that union.
7. The Applicants confirmed that they are financially capable of taking care of the child. The Applicants also confirmed that they understand the implications of an Adoption Order and that the same is not reversible.

The Adoption Application

8. I have considered the Summons, the evidence on record, as well as the various reports filed.
9. The duty of this Court is to analyse the material before it to determine whether the Applicants are suitable adoptive parents. 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 of payslips, bank statements, Police Clearance Certificates 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.
11. Additionally, pursuant to section 186 of the *Children Act*, the Applicants provided letter of consent from F.N.M 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 an elder sister to the 2nd Applicant.
12. Pursuant to section 187(2)(a) of the Act, the child was declared free for adoption by Buckner Kenya Adoption Services, a registered adoption agency, on 25 September 2024 and a Certificate Number 0832 issued.
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 in Kajiado County. Pursuant to the provisions of Article 14(4) of *The Constitution*, the child is declared to be 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:
 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.

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. 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.

17. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicants, A.M.M. and A.M.M, are hereby authorised to adopt the child currently identified as Baby Larry Baraka alias Abandoned Baby Boy, who shall henceforth be known as L.B.M;
 - 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. F.N.M 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 12 DAY OF JUNE 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

N/A.....for the Applicants

2nd Applicant present in person

Libertine AchiengCourt Assistant

