



**In re Baby J (Adoption Cause E268 of 2024)
[2025] KEHC 8244 (KLR) (Family) (12 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8244 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E268 OF 2024
H NAMISI, J
JUNE 12, 2025
IN THE MATTER OF ADOPTION OF BABY J**

IN THE MATTER OF

PMN APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 2 December 2024, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. That the Applicant be authorised to adopt Baby J, a minor who is to be known as KSM and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - ii. That BMN be appointed as the legal guardian of the child;
 - iii. That the child be presumed to be born in Nairobi County in the Republic of Kenya.

The Child

2. The child (female) was born on 15 March 2023. She was found abandoned on 17 March 2023, in a bush at Njathaine, Zimmerman in Nairobi. The matter was reported to Kasarani Police Station vide OB No. 09/16/05/2023. She was later committed to Happy Life Children’s Home on 27 October 2023 through P&C Case No. E405 of 2023, Nairobi Children’s Court.
3. A final letter dated 7 May 2024 from the Kasarani Police Station confirms that no one claimed the child.
4. The child is almost 2 years old. She was placed with the Applicant on 2 August 2024 for mandatory bonding period prior to the adoption.



The Applicant

6. The Applicant is a Kenyan citizen, residing in Athi River. She is a business lady. She is single with no children. In her Application, the Applicant confirmed that she has the means to provide for the child. She is a committed Christian and intends to raise the child in a Christian environment.
7. The Applicant confirmed that she fully understood 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 Applicant is a suitable adoptive parent. The Applicant presented copies bank statements, title documents, 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 Applicant is financially, socially, physically and mentally fit to adopt the child.
10. Buckner Kenya, a registered adoption agency, presented an assessment report. According to the Report, the Applicant and child had bonded well. The Report dated 27 January 2025 was positive and the agency recommended the adoption. The child was declared free for adoption vide certificate number 0X22.
11. Additionally, pursuant to section 195 of the *Children Act*, the Applicant provided a letter of consent from BMN agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicant. The proposed legal guardian is brother to the Applicant
12. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

13. The child herein was found in Kenya soon after birth. She is, therefore, a citizen of Kenya by birth.
14. 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.

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. Considering that this child was abandoned soon after birth, it is my view that the adoption does serve the best interests of the child.

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

- i. That PMN is hereby authorised to adopt the child currently identified as Baby J, who shall henceforth be known as KSM;
- 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. BMN 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

Delivered on virtual platform in the presence of:

Ms. Kemunto.....for the Applicant

Libertine AchiengCourt Assistant

