



**In re JS (Baby) (Adoption Cause E026 of 2025)
[2025] KEHC 8127 (KLR) (Family) (12 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8127 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E026 OF 2025
H NAMISI, J
JUNE 12, 2025
IN THE MATTER OF ADOPTION OF BABY JS**

IN THE MATTER OF

**JWN 1ST APPLICANT
LWC 2ND APPLICANT**

JUDGMENT

1. Before this Court is the Originating Summons dated 23 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 Applicants, JWN and LWC, be allowed to adopt the child currently identified as Baby JS;
 - ii. That henceforth, the child be renamed as SCW;
 - iii. That the child’s date of birth and place of birth be declared to be 15 May 2021 in Narok County;
 - iv. That the child be presumed to be a Kenyan citizen by birth, and consequently, be entitled to all the rights and benefits in respect thereof;
 - v. That EWC be appointed as legal guardian of the child, in the event that the Applicants herein are unable to discharge their parental obligations;
 - vi. That the relevant department under the Civil Registration Services be directed to issue a post-adoption Certificate of Birth in respect of the child;
 - vii. That the Directorate of Immigration Services be directed to issue a passport to the child;



- viii. That the Registrar General be directed to make the appropriate entries in the Adopted Children's Register and issue a Certificate to that effect;
- ix. That the Guardian *ad Litem* be discharged;
- x. That this Court do issue such further orders as are in the interest of justice

The Child

2. It is estimated that the child (male) was born on 15 May 2021 in Narok County to MWK and SNK. The circumstances surrounding the child's conception made it taboo for the child to be raised within the community. As a result, the biological mother of the child visited the Children's Officer at Narok where she expressed her intention to give up the child for adoption.
3. Subsequently, the child was committed to Nest Home for a period of one year vide committal orders issued in Narok Children Case No E035 of 2021.
4. The child was placed with the Applicants on 18 July 2023 for the mandatory bonding period prior to adoption. He has been in their care since then.

The Applicants

5. The Applicants are Kenyan citizens, born in 1976 and 1978, respectively. They are a married couple. They have been married since 17 April 2006. Although they were not blessed with any biological children, they adopted their first son, SPNW, on 26 November 2019. The son wrote a lovely letter dated 8 November 2024 confirming the special bond between him and the child herein.
6. The 1st Applicant is a teacher, while the 2nd Applicant is a businesswoman operating a tailoring shop. They reside in Nyahururu, Laikipia county. 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.

Biological Parents

7. Owing to the circumstances in which the child was conceived, the biological mother, MWK, opted to give up the child for adoption. She was counselled and taken through an explanatory memorandum of biological parents. MWK signed the Certificate, acknowledging that she understood the effect of an adoption order. Both consent and Certificate of Acknowledgement dated 18 May 2023 are attached to the Application.
8. The child's maternal grandmother also confirmed her decision on behalf of the family members to offer the child up for adoption. She gave her consent in the presence of the Sub-county Children's Officer, Narok Central. A copy of the said consent is attached to the Application.
10. The biological father of the child, SNK was arrested and is currently serving his 18-year sentence at Naivasha Prison. According to the Applicants, it was difficult to obtain his consent due to his incarceration. In the premise, I am satisfied that the requirements of section 186 (8) (a) of the Act have been met.

The Adoption Application

11. I have considered the Summons, the evidence on record, as well as the various reports filed.



12. 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. Further, they have previously adopted another child, who has bonded well with the child herein.
13. The Applicants presented copies of Mpesa statements, property title deeds, motor vehicle log book, 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.
14. Additionally, pursuant to section 186 of the *Children Act*, the Applicants provided letter of consent from EWC 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 a younger sister to the 2nd Applicant.
15. The child was declared free for adoption by Little Angels Network, a registered adoption agency, on 5 July 2023 and a Certificate Number xxxxx issued.
16. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.

Analysis and Determination

17. The child herein was born in Narok County to Kenyan mother and father. He is, therefore, a citizen of Kenya by birth.
18. 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.
19. 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.
20. Accordingly, I allow the Summons and make the following orders:



- i. The Applicants, JWN and LWC are hereby authorised to adopt the child currently identified as Baby JS, who shall henceforth be known as SCW;
- 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. EWC is appointed as the legal Guardian 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 OF THE HIGH COURT

Delivered on virtual platform in the presence of:

Ms. Kimenyi.....for the Applicants

Libertine AchiengCourt Assistant

