



**In re PH aka CBA (Baby) (Adoption Cause E240 of 2024)  
[2025] KEHC 8129 (KLR) (Family) (12 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8129 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E240 OF 2024  
H NAMISI, J  
JUNE 12, 2025  
IN THE MATTER OF ADOPTION OF BABY PH A.K.A CBA**

**IN THE MATTER OF**

**CAO ..... APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 24 October 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 and is hereby authorised to adopt the child currently known as baby P.H;
  - ii. That if the adoption order is granted, the said child will thereafter be known as C.B.A;
  - iii. That the child’s date of birth be declared to be 4 September 2023 and her place of birth to be declared as Ponya Maternity, Nairobi Kenya;
  - iv. That the child be considered a Kenyan citizen;
  - v. That the consent of the biological parents of the child be and is hereby dispensed with since the child was found abandoned;
  - vi. That J.O.O. and C.T. be appointed the legal guardians of the child in the event of the death or incapacity of the Applicant, rendering them unavailable or incapable of taking care of the child;
  - vii. That the Registrar General be directed to make the appropriate entries in the Adopted Children’s Register.



## **The Child**

2. The child (female) was presumably born on 4 September 2023 at Ponya Maternity and Medical Centre, Githurai. On 10 September 2023, the child was found abandoned on an examination couch at the hospital. The matter was reported to Githurai Mwiki Police Station, which informed the Ruiru Sub-County Children's Officer, leading to a formal referral for child protection services.
3. The child remained at the Hospital until 18 September 2023, after which she was discharged and placed under the care of Hope House Babies Centre. She was committed to Hope House Babies Centre as a child in need of care and protection at Ruiru Children's Court on 4 April 2024 vide Protection & Care case number E0xxx of 2024 for a period of three months.
4. Despite efforts made by Githurai Mwiki Police Station and Ponya Maternity and Medical Centre, no claims of parental responsibility were made, and all efforts to locate the child's biological parents or relatives were unsuccessful. Consequently, the child was declared legally available for adoption by the Kenya Children's Home Adoption Society's Case Committee on 15 May 2024, and a freeing certificate No 982 was issued by Kenya Children's Home Adoption Society pursuant to Section 194 (1) of the [Children Act](#). Therefore, I am satisfied that this legal prerequisite has been met.
5. The child was placed in the custody of the Applicant, C.A.O, on 5 May 2024, where she has remained under continuous care and supervision.

## **The Applicant**

6. The Applicant is a Kenyan citizen. She earns a living as a civil servant. The Applicant's motivation for adopting the child is that she has always desired to have a biological child but has been unsuccessful due to medical reasons. As a single woman, she has always dreamt of providing a loving and secure home for a child in need. Consequently, she has chosen to build a family through adoption and build a loving and stable home for a child in need. She is committed to offering a nurturing environment, hence demonstrating a sincere intent to raise the child as her own.
7. The Applicant has confirmed that she understood the implications of an adoption order and that the same is irreversible.
8. At the hearing, it was noticeable that the child was very comfortable with the Applicant, who was holding her.

## **The Adoption Application**

9. 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 Guardian *ad Litem* confidently states that the Applicant has equipped her home with all the necessary child-rearing essentials, reinforcing her preparedness for this responsibility. Furthermore, the Applicant, as confirmed by the Pastor at the Fountain of Grace Ministries, consistently attends Church and is known as a strong believer and faithful Christian.
11. The Applicant presented copies of title deeds, bank account details, Police Clearance Certificate as well as recommendations, all pursuant to the provisions of The [Children \(Adoption\) Regulations, 2020](#). These disclose that the Applicant is financially, socially, physically and mentally fit to adopt the child.
12. Additionally, pursuant to section 195 of the [Children Act](#), the Applicant provided sworn affidavits from J.O.O. and C.T, consenting to be appointed as the legal guardian of the child in the event that



anything untoward happens to the Applicant. They confirmed that they understood their role and responsibilities towards the child.

13. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

### **Analysis and Determination**

14. The child herein was born in Kenya, presumably on the 4 September 2023. She is, therefore, 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 and engage with her.

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

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

- i. That the Applicant, C.A.O., is authorised to adopt the child identified as baby P.H.;
- ii. Upon adoption, the child shall be renamed C.B.A.;
- iii. 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;
- iv. J.O.O. and C.T 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. Owiti.....for the Applicant

Libertine Achieng ... Court Assistant

