



**In re T alias GT0 (Adoption Cause E156 of 2024)
[2025] KEHC 8243 (KLR) (Family) (12 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 8243 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E156 OF 2024
H NAMISI, J
JUNE 12, 2025**

IN THE MATTER OF

DMO 1ST APPLICANT

EGM 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 21 July 2024, 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 S.O and C.N.K be appointed the legal guardians of the minor;
 - iv. Spent
 - v. That the Applicants herein be granted adoption orders in respect of Tyler, the minor herein;
 - vi. That the Court does issue such further orders as it may deem fit in the interest of the child.

The Child

2. The child (male) was born on 11 April 2021 to J.J, who was 21 years old. Since the child was born prematurely and was underweight, the child was referred from Kesses Sub County Hospital to Moi Teaching and Referral Hospital. On 3 May 2021, his mother abandoned him at the hospital. The matter was reported to the Chandaria Police Post vide *OB* No 0XXXX/2021. The child was committed to the Holy Family Children’s Home on 15 February 2022.



3. The initial and final letters from the Police dated 4 May 2021 and 25 March 2022, respectively, indicated that efforts to trace the mother of the child have been futile.
4. The child was later placed with the Applicants herein 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 September 2021. They reside in Wendani area, Nairobi. The 1st Applicant is a teacher while the 2nd Applicant is employed with the Kenya Defence Forces. They have one biological child who was born in 2011.
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, 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 letters of consent from S.O and C.N. K 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.
12. Pursuant to section 187(2)(a) of the Act, the child was declared free for adoption by Little Angels Network, a registered adoption agency, on 6 April 2022 and a Certificate Number 0XXXX4 issued.
13. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.

Analysis and Determination

14. The child herein was born in Kenya and 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. He appeared to be healthy, though grumpy since he had just woken up. He was very comfortable with the 2nd Applicant. Bearing in mind that this child had been abandoned by his mother 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, D.M.O and E.G.M, are hereby authorised to adopt the child currently identified as Baby Tyler *alias* G.T.O.
 - ii. S.O. and C.N.K are appointed as the legal Guardians of the child;
 - iii. The Guardian *ad Litem* is hereby discharged;
 - iv. 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. Atieno.....for the Applicants

Libertine AchiengCourt Assistant

