



**In re Adoption of Baby B (A Child) (Adoption Cause E009 of 2024)
[2025] KEHC 11091 (KLR) (25 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 11091 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
ADOPTION CAUSE E009 OF 2024**

MA ODERO, J

JULY 25, 2025

**IN THE MATTER OF ADOPTION OF
CBKM APPLICANT**

AND

BABY BA CHILD

IN THE MATTER OF

CBKM APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 27th November 2024 by which the Applicant CBKM seeks the following orders:-

- “1. That the applicant be authorized to adopt the child BABY B.
- 2. That the consent of the biological parents be dispensed with as the child was abandoned.
- 3. That upon making the adoption order the child be known as AF.”
- 4. That the Registrar General do make the appropriate entry of AF in the Adopted children’s Register.
- 5. That the child AF be presumed to be a Kenya citizen born in Kenya and be issued with a Kenya passport.
- 6. That PM be appointed the legal Guardian of the child AF”



2. The application was supported by the Affidavit of even date sworn by the applicant. The matter was heard by way of Vive Voce evidence.
3. The Applicant is a single female Kenya Citizen. She has one biological child - a daughter who is aged nine (9) years. The Applicant wishes to adopt the subject child as a way of fulfilling her desire to provide a needy child with a home.

Analysis And Determination

4. I have considered this application for adoption, the evidence adduced in support thereof as well as the various reports filed in court.
5. The prerequisites for adoption are set out in Section 184 (1) (a) and (b) of the Children's Act 2022 as follows:-
 - “(1) A person shall not commence any arrangement for the adoption of a child unless:-
 - a. The council, in accordance with the rules, has declared the child free for adoption.
 - b. The child has attained the age of six weeks.”
6. The subject child is believed to have been born on or about 31st March 2019. A copy of an Acknowledgement of Birth Notification Serial Number XXXXXX is annexed to the Summons. Therefore the child is now aged six (6) years old and is well above the six (6) week period provided for in law.
7. Child Welfare Society Of Kenya which is a registered adoption agency have annexed to their report the original copy of their certificate Serial Number 1054 dated 18th March 2021 declaring the child Free for Adoption. I am satisfied that all the legal prerequisites for an adoption order have been met.
8. The duty of this court is to analyze the evidence on record to determine whether the Applicant is a suitable adoptive parent.
9. The Applicant is a Kenyan citizen as evidenced by the annexed copy of her National Identity Card Serial Number XXXXXXXXX.
10. The Applicant is a single mother of a nine (9) year old daughter. She told the court that she has never been married. The Applicant explains that she has always had a desire to adopt a needy child as a way of giving back to society hence this present application.
11. The applicant is in stable paid employment. She is the Branch Manager, Karatina Branch of Kenya Industrial Estates. The Applicant has annexed copies of statement of her account held with Ecobank as proof that she is financially stable. I am satisfied that the applicant is financially secure and is in a position to meet the needs of the child.
12. The Applicant is a Christian and intends to raise the child in the Christian faith. She is of sound mind and is physically fit. The Applicant has annexed to the Summons a copy of the clearance certificate issued to her on 20th May 2023 by the Directorate of Criminal Investigations. This is proof that she has no criminal record.



13. Finally the Applicant has appointed her brother to be the legal Guardian for the child. The said brother PM has sworn an Affidavit indicating his willingness to take up the care of the child in the event the Applicant is unavailable or unable to do so.
14. The Applicant is not new to parenting. She has a young biological daughter whom she is already caring for. All in all I am satisfied that the Applicant is a suitable adoptive parent.
15. The subject child is a girl child who was found abandoned on 3rd April 2019 in a fence within Magma Square area in Githunguri Town, Kiambu County. The child was rescued by a good Samaritan and the matter was reported at the Kiambu Police Station vide OB No. 9 of 3rd April 2019.
16. Upon being rescued the baby was rushed to Kiambu Level 5 Hospital for medical attention. Thereafter on 12th April 2019 the Githunguri children’s Court committed the child to the Child Welfare Society of Kenya for care and Protection. On 4th June 2021, the child was placed into the custody of the Applicant under a Foster Care Agreement.
17. Article 14(4) of *the Constitution* of Kenya 2010 provides that:-
 - “(4) A child found in Kenya who is or appears to be less than eight years of age and whose nationality and parents are not known, is presumed to be a citizen by birth.”
18. The subject child was found abandoned in Githunguri Sub-County, Kiambu County within the Republic of Kenya a few days after her birth. I therefore declare the child to be a citizen of Kenya by birth.
19. Efforts by police to trace the biological mother/relative of the child have borne no fruit. To date no person has come forward to claim the child. A copy of the final police letter dated 25th November 2020 is annexed to the summons. Further efforts to trace the relatives of the child were made by placing an advert with the child’s photograph in the People Daily Newspaper of 4th December 2020. Still nobody came forward to claim the child.
20. Given the fact of abandonment there exists no known person from whom consent for this adoption can be sought and/or obtained. In the circumstances I waive the requirement for consent in line with Section 187(1) of the *Children Act* 2022.
21. In deciding upon any matter involving a child, courts are obliged to give priority to the ‘best interests’ of the said child. Section 8(1) of the *Children Act* 2022 provides that:-
 - “(8)
 - (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 priority consideration.” [own emphasis]
22. This is a child who was abandoned at birth. She faced an uncertain future living in children’s homes/ institutions. This adoption provides the child with the opportunity to be raised in a loving and stable home environment.



23. I was able to interact with the child in court. She was a healthy lively little girl who readily answered all questions put to her. I have no doubt that the child is being looked after very well.
24. The Director Children's Services conducted a home visit on 4th April 2025. The Applicant lives in an Apartment within Karatina Town, Nyeri County. It is a two bed-roomed apartment in a secure neighbourhood next to the Karatina police station. The child shares a room with her elder sister. The home environment was found to be suitable for raising a young child. The Applicant has enrolled the child at Karatina DEB School, where she is currently in Grade two.
25. I have perused the reports filed by the Adoption Agency, the Guardian ad litem and the Director Children's Services. All three reports were positive and all recommended the adoption.
26. Finally I am satisfied that this adoption will serve the best interest of the subject child. Accordingly I do allow this application and I make the following orders:-
 - (1) The Applicant CBKM is authorized to adopt the child known as "BABY B"
 - (2) Upon adoption the child will be known as AF.
 - (3) The child is declared to be a Kenya citizen by birth and is entitled to all rights and benefits in respect thereto.
 - (4) PM is appointed as the legal Guardian for the child.
 - (5) The Registrar General is directed to make the relevant entry in the Adopted Children's Register.
 - (6) No order on Costs.

DATED IN NYERI THIS 25TH DAY OF JULY 2025

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MAUREEN A. ODERO

JUDGE

