



REPUBLIC OF KENYA



KENYA LAW
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**In re Baby G (Adoption Cause E081 of 2025)
[2025] KEHC 10060 (KLR) (Family) (11 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10060 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY**

ADOPTION CAUSE E081 OF 2025

H NAMISI, J

JULY 11, 2025

IN THE MATTER OF

MMW 1ST APPLICANT

RMM 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 25 March 2025, Statement in support of the Application for an Adoption Order and an Affidavit in support of the Application, seeking the following orders:
 - a. Spent
 - b. Spent
 - c. That the children be presumed of Kenyan origin and the Register of Persons to enter the child in Register of Adopted Children and the child be presumed to be a Kenyan citizen;
 - d. That Mr and Mrs MMW and RMM (Applicants) be authorised to adopt Baby G;
 - e. That the name of G be changed to A.I.M;
 - f. That the Registrar General be directed to enter the new names of the child in the adopted child register in the prescribed Form;
 - g. That the Court be pleased to appoint Mr. Simon Otieno Odeny of ID No. 25XXX542 and Mrs. Joan Khatenje Khamasi of ID No. 24979482 as the legal guardians of G upon granting adoption orders;
 - h. That the court be pleased to make any further orders it deems necessary.



The Child.

2. The child (male) was born on 10 November 2019 with the place of birth unknown. The child was found abandoned on 10 December 2019 at Saa Mbaya Estate, Kahawa West and rescued by a good Samaritan. The matter was subsequently reported to Kahawa west Police station on 10 December 2019, OB Number 23/10/12/2019. The child was then taken to Victorious Joy CCI and later transferred to Happy Life Children's Home.
3. On 5 February 2020, the child was committed to Happy Life Children's Home by the Nairobi Children's Court vide Protection & Care Case No. 75 of 2020. In their letter dated 16 March 2021, the police indicate that their investigations were unsuccessful and the child remained unclaimed.
4. On 27 September 2021, the child was placed with the Applicants for foster care pending adoption. The child is now 6 years old.

The Applicants.

5. The Applicants are Kenyan citizens, residing in Athi River. They are a married couple, and have two children aged 15 years and 8 years. The younger child was adopted in 2020.
6. The 1st Applicant is self employed and confirmed that he has sufficient resources to take care of the child herein. The 2nd Applicant is a crafter and runs a business. They confirmed that they fully understood the implications of an adoption order and that the same is not reversible.

The Adoption Application.

7. I have considered the Summons, the evidence on record, as well as the various reports filed.
8. The duty of this Court is to analyse the material before it to determine whether the Applicants are suitable adoptive parents. Following a visit to the Applicants' home at the time of filing in South B, Nairobi, the Guardian ad Litem confidently states that the Applicants are well equipped with all the necessary child-rearing essentials, reinforcing their preparedness for this responsibility. Furthermore, the Applicants' extended family are in full support of the adoption and are eagerly awaiting his integration in to the family at large.
9. The Applicants presented copies of Mpesa statements, Certificate of Business Registration, Police Clearance Certificate as well as various 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.
10. The child was declared free for adoption by the KKPI Adoption Society vide certificate no. 749 issued on 26 May 2025.
11. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.

Analysis and Determination.

12. The child herein was born in Kenya on 10 November 2019. He is, therefore, a citizen of Kenya by birth.
13. 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.
14. I have considered the Reports filed by the Adoption Agency dated 26 May 2025, the Guardian *ad Litem* dated 29 May 2025, and the Director of Children Services dated 28 May 2025, all of which were positive and recommended the adoption.
15. The Applicants presented S.O.O and J.K.K as the proposed legal guardians. J.O.O. is a sister to the 2nd Applicant. Their consent, though undated, is filed along with the Application herein.
16. This child faced an uncertain future, were it not for the Applicants herein who began to foster him in 2021. Adoption would give him a sense of identity and belonging. It is, therefore, my view that the adoption does serve the best interests of the child.
17. Accordingly, I allow Originating Summons and make the following orders:
 - a. That the Applicants, M.M.W. and R.M.M., are allowed to adopt the child currently identified as baby G, who shall henceforth be known as A.I.M;
 - b. 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;
 - c. S.O.O. and J.K.K. are appointed the legal guardians of the child;
 - d. The Guardian *ad Litem* is hereby discharged;
 - e. The Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;

DATED AND DELIVERED AT NAIROBI THIS 11 DAY OF JULY 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicants: Robai Muiruri and Martin Muiruri



Court Assistant: Libertine Achieng

