



**In re Adoption of Baby AK alias AM alias AA alias AKM (Adoption Cause E132 of 2025) [2025] KEHC 12577 (KLR) (Family) (16 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 12577 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**FAMILY**  
**ADOPTION CAUSE E132 OF 2025**  
**H NAMISI, J**  
**SEPTEMBER 16, 2025**  
**IN THE MATTER OF ADOPTION OF BABY AK ALIAS AM ALIAS AA ALIAS AKM**  
**IN THE MATTER OF**  
**PWC ..... APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 20 May 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
  - i. That the child be presumed to be a Kenyan citizen by birth;
  - ii. That the Director of Immigration be authorised to issue the child with a Kenyan passport;
  - iii. That the consent of the biological father, SGN, to the adoption of the minor herein be and is hereby dispensed with;
  - iv. That the Applicant, P.W.C, be authorised to adopt the child to be known as M.R.C;
  - v. That CWT and KRT be appointed as joint legal guardians of the child in the event of death or incapacity of the Applicant before the child is of full age and fully self-reliant;
  - vi. That the Registrar – General do make an entry of this adoption in the Adopted Children Register;
  - vii. That the Court be pleased to make any further orders it deems necessary.



## **The Child**

2. The child (female) was born on 20 May 2024 at [Particulars Withheld] Hospital to MMO and SGN. Her biological mother decided to offer up the child for adoption, citing her inability to provide for the child due to financial hardship and emotional instability. The biological mother approached Little Angels Adoption Agency a few days after delivery and expressed her intention to have her child adopted.
3. The child was committed to New Life Home Trust by the Nairobi Children's Court on 4 September 2024 under Protection and Care file No. E452 of 2024. The biological father's whereabouts remain unknown and he is untraceable despite all efforts made.
4. The child was declared free for adoption by the Little Angels Network on 7 November 2024 and Certificate No. 00XXXX11 was issued, pursuant to section 187(2)(a) of the *Children Act*.
5. The child was later placed with the Applicant herein on 6 December 2024 for the mandatory bonding period prior to adoption. She has been in the Applicant's care since then. The child is almost 2 years old.
6. During the hearing, the Court had the opportunity to see the child. She appeared healthy, well groomed and very comfortable with the Applicant. She was excited.

## **The Applicant**

7. The Applicant is a Kenyan citizen. She is single with no children. The Applicant resides in Nairobi County, and is a consultant at [Particulars Withheld] Africa.
8. The Applicant stated that she professes the Christian faith and has no criminal records. Her desire to adopt is because she has always wanted a child with a partner, but this is yet to happen.
9. The Applicant confirmed that she is financially capable of taking care of the child. The Applicant also confirmed that she understands the implications of an Adoption Order and that the same is not reversible.

## **The Adoption Application**

10. I have considered the Summons, the evidence on record, as well as the various reports filed.
11. The duty of this Court is to analyse the material before it to determine whether the Applicant is a suitable adoptive parent. The Applicant stated that she is committed Christian and intends to raise the child in a Christian development to ensure full spiritual development.
12. The Applicant presented copies of letter confirming employment, land title document, Police Clearance Certificate, as well as recommendations from friends and her church, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These demonstrate that the Applicant is financially, socially, physically and mentally fit to adopt the child.
13. Additionally, pursuant to section 186 of the *Children Act*, the Applicant provided consents from C.W.T and K.R.T agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicant. The proposed legal guardians are a married couple with four children. C.W.T is a sister to the Applicant, while K.R.T is a brother-in-law. The proposed legal guardians confirmed that they completely understand their role and what is expected of them.
14. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.



## Analysis and Determination

15. Having been born in Kenya, the child is a citizen of Kenya by birth.
16. 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.
17. I have considered the Reports filed by the Adoption Agency dated 6 October 2021, the Guardian ad Litem dated 3 July 2025, and the Director of Children Services dated 8 July 2025, all of which were positive and recommended the adoption. Bearing in mind that this child was given up for adoption by her biological 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 her the opportunity to grow up like every other child.
18. I have read the various letters by the biological mother, which clearly indicate her intention to give up the child for adoption. On record is a copy of her consent dated 6 January 2025. Pursuant to section 187(1)(a), I hereby dispense with the consent of the biological father since his whereabouts are unknown.
19. Accordingly, I allow the Summons and make the following orders:
  - i. The Applicant, P.W.C, is hereby authorised to adopt the child currently identified as Baby AK alias AM alias AA alias AKM who will henceforth be renamed M.R.C;
  - ii. The child is declared to be a citizen of Kenya, entitled to all the rights and privileges under The Constitution of Kenya and all other laws;
  - iii. C.W.T and K.R.T are jointly appointed as the legal Guardians of the child;
  - iv. The Guardian ad Litem is hereby discharged;
  - v. The Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;
  - vi. The Director of Immigration is hereby directed to issue the child herein with a Kenyan passport;



**DATED AND DELIVERED AT NAIROBI THIS 16 DAY OF SEPTEMBER 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

Applicant: Ms. Walubengo

Applicant present

Court Assistant: Lucy Mwangi

