



**In re AJ alias AKM (Baby) (Adoption Cause E128 of 2025)
[2025] KEHC 12579 (KLR) (Family) (16 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 12579 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E128 OF 2025
H NAMISI, J
SEPTEMBER 16, 2025
IN THE MATTER OF ADOPTION OF BABY AJ ALIAS AKM**

IN THE MATTER OF

JNM APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 13 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 Applicant be and is hereby authorised to adopt the child currently known as Baby AJ;
 - ii. That if the adoption order is granted, the said child is thereafter known as Baby A.K.M;
 - iii. That the child’s date of birth be declared to be 1 May 2024 and his place of birth to be declared to be Kitengela, Kajiado County;
 - 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 abandoned;
 - vi. That CNM may be appointed the legal guardian of the child in the event of death of the Applicant 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 (male) was born on 1 May 2024 in Kitengela, Kajiado County. On 17 May 2024, he was abandoned along the road at Jua Kali area within Kitengela Township and was rescued by a good Samaritan. The matter was reported to the Kitengela Police Station vide OB No. 40/XX/XX/2024. The child was placed at Mahali pa Maisha Infant Rescue Centre for care and safety.
3. The child was committed to Mahali pa Maisha Infant Rescue Centre by the Children's Court at Kajiado on 5 July 2024 under Protection and Care file No. E021 of 2024. He remained at the home unclaimed. In their final letter dated 4 December 2024, the Police indicated that their efforts to trace to the child's kin had been unsuccessful. The child was, therefore, rendered in need of an alternative family.
4. The child was declared free for adoption by the Buckner Kenya Adoption Services on 18 December 2024 and Certificate No. 0852 was issued, pursuant to section 187(2)(a) of the *Children Act*.
5. The child was later placed with the Applicant herein on 3 January 2025 for the mandatory bonding period prior to adoption. He has been in her care since then. The child is almost 2 years old.
6. During the hearing, the Court had the opportunity to see the child. He appeared healthy, well groomed and very comfortable with the Applicant.

The Applicant

7. The Applicant is a Kenyan citizen. She is single with no children. The Applicant resides in Kileleshwa, Nairobi County, and works as a Hotelier. She is 49 years old.
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 Police Clearance Certificate, payslips 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 letter of consent from C.N.M agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicant. The proposed legal guardian is a sister to the Applicant. She is an HR professional and has a daughter. The proposed legal guardian confirmed that she completely understands her role and what is expected of her.
14. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.



Analysis and Determination

15. Article 14(4) of the Constitution provides that 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. The child herein was found abandoned in Kajiado County just a few days after birth. The child is, therefore, 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 8 July 2025, the Guardian ad Litem dated 30 June 2025, and the Director of Children Services dated 7 July 2025, all of which were positive and recommended the adoption. Bearing in mind that this child had been abandoned 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.
18. Pursuant to section 187(1)(a), I hereby dispense with the consent of the biological parents since the child was found abandoned.
19. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicant, J.N.M, is hereby authorised to adopt the child currently identified as Baby AJ, who will henceforth be renamed A.K.M;
 - ii. The child is declared to be a citizen of Kenya, born on 1 May 2024 in Kajiado County and entitled to all the rights and privileges under the Constitution of Kenya and all other laws;
 - iii. C.N.M is appointed as the legal Guardian 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;

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: N/A

Court Assistant: Lucy Mwangi

