



**In re Adoption of Baby FNM (Adoption Cause E117 of 2025)  
[2025] KEHC 13784 (KLR) (Family) (3 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 13784 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E117 OF 2025  
H NAMISI, J  
OCTOBER 3, 2025  
IN THE MATTER OF ADOPTION OF BABY FNM**

**IN THE MATTER OF**

**RMN ..... APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 20 December 2024, 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 authorised to adopt the child FNM;
  - ii. That the child was abandoned and the consent should be dispensed with;
  - iii. That upon the making of the adoption orders the said child be known as H.A.A.A;
  - iv. That the Registrar-General do make the appropriate entry of H.A.A.A in the Adopted Children's Register;
  - v. That the child H.A.A.A be presumed to be a Kenyan citizen born in Kenya and that the Director of Immigration Services do issue H.A.A.A with a Kenyan passport;
  - vi. That Carolyne Rachel Matendechere be appointed as legal guardian of the child H.A.A.A.

**The Child**

2. The child (female) was born on 27 January 2014. She was found abandoned at Mathare No. 10 Slums in a dust bin. The matter was reported at the Jogoo Police Station sometime in March 2014, though the OB was lost. A second OB was obtained, OB No. 28/16/9/2014 from the Children's Office. The child was placed temporarily at Mama Ngina Children's Home for care and protection. Later, she was



formally committed to the same home by the Makadara Law Courts on 19 March 2015 in P/C Case No. 68 of 2015.

3. Despite efforts by the Police, no relatives were traced. The Police issued their final letter dated 2 September 2019. Prior to the release of the final letter, the child was placed in foster care with the Applicant on 14 August 2018. She was later declared free for adoption by the Child Welfare Society of Kenya vide Certificate No. 1032. The child has remained in the custody of the Applicant to date.
4. The child is 11 years old and enrolled at [Name Withheld] School, Grade 4. At the hearing, the child expressed her desire to continue living with the Applicant. She stated that she is happy, and enjoys living with her brothers and sisters. She complimented the Applicant's cooking.

### **The Applicant**

6. The Applicant is a Kenyan citizen, residing at [Name Withheld], Nairobi. She is a teacher. The Applicant is single, aged 62 years, and has no other children.
7. The Applicant stated that she professes Christian faith and has no criminal records. Her motivation to adopt stems from her desire to provide a loving, stable home for the child. She expressed her desire to continue caring for the child, whom she has fostered for a while now.
8. 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**

9. I have considered the Summons, the evidence on record, as well as the various reports filed.
10. 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 a committed Christian and intends to raise the child in a Christian development to ensure full spiritual development.
11. The Applicant presented copies of bank statements, Police Clearance Certificate as well as recommendations from friends and family, 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.
12. Additionally, pursuant to section 186 of the [Children Act](#), the Applicant provided letter of consent from C.R.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 niece to the Applicant. She confirmed that she completely understand her role and what is expected of her.
13. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

### **Analysis and Determination**

14. The child herein was born in Nairobi County. The child 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;
  - a. 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;
    - a. Conserve and promote the welfare of the child; and
    - a. 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 dated 17 June 2022, the Guardian ad Litem dated 15 July 2025, and the Director of Children Services dated 11 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 her the opportunity to grow up like every other child.
17. Pursuant to section 187(1)(a) of the Act, I hereby dispense with the consent of the biological parents since the child was found abandoned.
18. Accordingly, I allow the Summons and make the following orders:
  - i. The Applicant, R.M.N, is hereby authorised to adopt the child currently identified as Baby FNM, who will henceforth be renamed H.A.A.A;
  - 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.R.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;
  - vi. The Director of Immigration is directed to issue the child with a Kenyan passport.

**DATED AND DELIVERED AT NAIROBI THIS 3 DAY OF OCTOBER 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

For Applicant: Ruth Matendechere

Court Assistant: Lucy Mwangi

