



**In re Adoption of Baby CT alias OO alias OO alias Abandoned Baby OO (Adoption Cause E100 of 2025) [2025] KEHC 14864 (KLR) (Family) (23 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14864 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E100 OF 2025  
H NAMISI, J  
OCTOBER 23, 2025  
IN THE MATTER OF ADOPTION OF BABY CT  
ALIAS OO ALIAS OO ALIAS ABANDONED BABY OO**

**IN THE MATTER OF**

**LNM ..... APPLICANT**

**JUDGMENT**

1. Before this Court is the Originating Summons dated 15 April 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 authorised to adopt Baby CT, a minor who is to be known as A.M.D and the Registrar-General be directed to enter this adoption into the Register of Adoptions;
  - ii. That SNM and DWM be appointed as the legal guardians of the child;
  - iii. That the child be presumed to be born in Kenya.

**The Child**

2. The child (male) was born on 29 August 2022 at Mbagathi Hospital, Nairobi County. He was abandoned by his mother the following day, 30 August 2022, at the said Hospital. The incident was reported to the Kenyatta Police Post and recorded under OB No. 12/31/08/2022. The child remained in the Hospital until 7 December 2022 when he was discharged. He was placed at the New Life Home Trust for care and protection, and subsequently committed to the same institution on 30 November 2022 by the Resident Magistrates Court at Kibera in P&C Case No. E594 of 2022.
3. While at the institution, no family members came forward to claim the child. On 6 April 2023, Kenyatta Police Post issued a letter confirming that all attempts to locate the child's mother or relatives



had been unsuccessful. The child was declared free for adoption by Buckner Kenya Adoption Society on 3 November 2023 vide Certificate No. 0709. The child was then placed under the Applicant's foster care on 3 November 2023 for the mandatory bonding period prior to adoption.

4. During the hearing, the Court had the opportunity to see the child. He appeared well groomed and healthy. He was very comfortable with the Applicant.

### **The Applicant**

5. The Applicant is a Kenyan citizen, residing at Pipeline, Nairobi. She is a business person based at Gikomba Market. The Applicant is single, aged 42 years, and has no other children.
6. 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 expand her family through adoption.
7. 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**

8. I have considered the Summons, the evidence on record, as well as the various reports filed.
9. 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.
10. The Applicant presented copies of bank statement, Land Sale Agreements, 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.
11. Additionally, pursuant to section 186 of the *Children Act*, the Applicant provided letter of consent from S.N.M and D.W.M agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicant. S.N.M is a brother to the Applicant, while D.W.M is her sister-in-law. They confirmed that they completely understand their role and what is expected of them.
12. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

### **Analysis and Determination**

13. The child herein was born in Nairobi County. The child is, therefore, a citizen of Kenya by birth.
14. 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.
15. I have considered the Reports filed by the Adoption Agency dated 14 July 2025, the Guardian ad Litem dated 11 July 2025, and the Director of Children Services dated 10 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.
16. 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.
17. Accordingly, I allow the Summons and make the following orders:
  - i. The Applicant, L.N.M, is hereby authorised to adopt the child currently identified as Baby CT alias Orpah Okuta alias Orpa Okuta alias Abandoned Baby Orpha Okuta , who will henceforth be renamed A.M.N;
  - 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. S.N.M and D.W.M are 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;

**DATED AND DELIVERED AT NAIROBI THIS 23 DAY OF OCTOBER 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

For Applicant: Ms. Muhanda

Applicant present

Court Assistant: Lucy Mwangi

