



REPUBLIC OF KENYA



KENYA LAW
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**In re CHL (Baby) (Adoption Cause E060 of 2025)
[2025] KEHC 14829 (KLR) (Family) (23 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14829 (KLR)

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

FAMILY

ADOPTION CAUSE E060 OF 2025

H NAMISI, J

OCTOBER 23, 2025

IN THE MATTER OF ADOPTION OF BABY CHL

IN THE MATTER OF

WM 1ST APPLICANT

JAO 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 5 March 2025 as amended on 5 June 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. Spent;
 - ii. That the Applicants be authorised to adopt Baby CHL, a minor;
 - iii. That the records at the Registrar of Births and Deaths be rectified and the minor herein be issued with a Birth Certificate in the name of ZCW;
 - iv. That the Registrar General be ordered to make appropriate entries in the Adopted Children's Register in respect of ZCW;
 - v. That ZCW is a Kenyan citizen by birth and be issued with a Kenyan passport;
 - vi. That the Honourable Court do appoint DZOO and PCJ as legal guardians for the minor herein.



The Child

2. The child (male) is presumed to have been born on 4 September 2023 at Mbale Rural Health Training Centre to DL and CMI. According to the records, the child was born out of an incestuous relationship since the parents are close relatives. According to the Maragoli culture, such a child cannot be raised in the community. For this reason, the child was given up for adoption. The child was temporarily placed at Springs of Life Children's Home.
3. The child was committed to the Springs of Life Children's Home under Protection and Care file No. E007 of 2024. The child was declared free for adoption by the Kenya Little Angels Network on 3 July 2024 and Certificate No.xxxxxx was issued, pursuant to section 187(2)(a) of the *Children Act*.
4. The child was later placed with the Applicants herein on 27 July 2024 for the mandatory bonding period prior to adoption. He has been in their care since then. He is about 2 years old.
5. During the hearing, the Court had the opportunity to see the child. He appeared happy, healthy, well groomed and very comfortable with the Applicants.

The Applicants

6. The Applicants are Kenyan citizens. They are a married couple. They have been married since 18 December 2015. They reside in Kileleshwa, Nairobi County. The 1st Applicant is a Journalist while the 2nd Applicant works in Communications. The 1st Applicant is 41 years old, while the 2nd Applicant is aged 37 years. They have no biological children of their own.
7. The Applicants stated that they both profess Christianity and have no criminal records. They have a desire to adopt the child because so far, they have been unable to have a child of their own. They wish to give love, a sense of identity, security, stability and a sense of belonging to a needy child.
8. The Applicants confirmed that they are financially capable of taking care of the child. The Applicants also confirmed that they understand 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 Applicants are suitable adoptive parents. The Applicants stated that they are committed Christians and that they intend to raise the child in a Christian development to ensure full spiritual development.
11. The Applicants presented copies of payslips, bank statements, Police Clearance Certificates as well as recommendations from friends and family, all pursuant to the provisions of The Children (Adoption) Regulations, 2020. These demonstrate that the Applicants are financially, socially, physically and mentally fit to adopt the child.
12. Additionally, pursuant to section 186 of the *Children Act*, the Applicants provided letters of consents from DZO and PCJ agreeing to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicants. The proposed legal guardians are related to the Applicants. They confirmed that they completely understand their role and what is expected of them.
13. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.



Biological Parents

14. The Applicants provided written consents by DL and CMI, the biological father and mother, respectively. The biological parents also wrote letters explaining that they could not keep the child due to cultural constraints.

Analysis and Determination

15. The child herein was born in Kenya and 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 31 January 2024, the Guardian ad Litem dated 3 June 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 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. Accordingly, I allow the Summons and make the following orders:
 - i. The Applicants, WM and JAO, are hereby authorised to adopt the child currently identified as Baby CHL, who will henceforth be renamed ZCW;
 - 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. DZO and PCJ 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;
 - vi. The Director of Immigration is directed to issue the child with a Kenyan passport.

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:

Applicants: Mr. Obare

Applicants present

Court Assistant: Lucy Mwangi

