



REPUBLIC OF KENYA



**In re SZM (Child) (Adoption Cause E134 of 2025)
[2025] KEHC 14812 (KLR) (Family) (23 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14812 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E134 OF 2025
H NAMISI, J
OCTOBER 23, 2025**

IN THE MATTER OF

JRAO APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 14 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 and is hereby authorised to issue the child with a Kenyan Passport;
 - iii. That the Applicant, Janet Ruth Awuor Oyugi, be and is hereby authorised to adopt the child to be known as A.Z.G.O;
 - iv. That Lorraine Amondi Omondi be appointed as the legal guardian of the child in the event of the death or incapacity of the Applicant before the child is of full age and fully self-reliant;
 - v. That the Registrar General do make an entry of this adoption in the Adopted Children's Register;
 - vi. That the Court be pleased to make any further orders it deems necessary

The Child

2. The child (male) aged 2 years was found abandoned at infancy at Ruiru township and rescued by a good Samaritan. The matter was reported to the Ruiru Police Station vide OB No. 41/3/5/2023. The child was placed at New Life Home Trust for care and safety.



3. The child was committed to New Life Home Trust by the Children’s Court at Ruiru on 1 August 2023 under Protection and Care file No. E030 of 2023. He remained at the home unclaimed. The child was then placed under the Applicant’s foster care on 11 October 2024 for the mandatory bonding period prior to adoption.
4. The child was declared free for adoption by the Little Angels Network Adoption Society and Certificate No. 002488 was issued, pursuant to section 187(2)(a) of the *Children Act*.
5. 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

6. The Applicant is a Kenyan citizen, residing along Mai Mahiu Road, Nairobi. She is an accountant. The Applicant is single, aged 51 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 stated that she enjoys the company of children and would like to raise one herself.
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 L.A.O 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. The proposed legal guardian confirmed that she completely understands 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. 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 Kiambu County just a few days after birth. 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 2 February 2022, the Guardian *ad Litem* dated 16 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.
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, J.R.A.O, is hereby authorised to adopt the child currently identified as Baby Shawn Zawadi Maisha, who will henceforth be named A.Z.G.O;
 - 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. L.A.O 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 23 DAY OF OCTOBER 2025.

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: Mr. Njenga

Court Assistant: Lucy Mwangi

