



**In re DT alias SP alias S (Adoption Cause E217 of 2025)
[2025] KEHC 18156 (KLR) (Family) (5 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 18156 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E217 OF 2025**

H NAMISI, J

DECEMBER 5, 2025

**IN THE MATTER OF ADOPTION OF DT ALIAS SP ALIAS
ABANDONED BABY ALIAS BABY S ALIAS UNKNOWN BABY GIRL**

IN THE MATTER OF

**BCK 1ST APPLICANT
GC 2ND APPLICANT**

JUDGMENT

1. Before this Court is the Originating Summons dated 5 August 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 Applicants be authorised to adopt Baby DT, a minor who is to be known as TCB and the Registrar-General be directed to enter this adoption into the Register of Adoptions;
 - ii. That BR and CJ 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 (female) was found abandoned at Kyumbi stage, Machakos County, by a good Samaritan. She was approximately one-day old. The matter was reported to Kyumbi Police Station and booked *vide* OB No. 42/29/09/2024. The child was taken to Machakos Level IV Hospital for medical attention where she was admitted for treatment. She was discharged on 8 October 2024 and placed at Mahali pa Maisha Children’s Home. She was later committed to the same institution by the Machakos Children’s Court *vide* P&C No. 037 of 2024 on 9 October 2024.



3. While at the institution, no family members came forward to claim the child. On 1 April 2025, a final police letter confirmed that all attempts to locate the child's relatives had been unsuccessful. The child was declared free for adoption by Buckner Kenya Adoption Society on 3 November 2023 vide Certificate No. 0855. The child was then placed under the Applicants' foster care on 20 April 2025 for the mandatory bonding period prior to adoption.
4. During the hearing, the Court had the opportunity to see the child. She appeared well groomed, spritely and healthy. She was very comfortable with the 2nd Applicant.

The Applicant

5. The Applicants are Kenyan citizens, residing at Nyayo Highrise, Nairobi. The 1st Applicant is an IT Specialist while the 2nd Applicant is a pharmaceutical technologist. The Applicants got married on 17 July 2009 and provided a copy of their Certificate of Marriage. Regrettably, they have no biological children of their own.
6. The Applicants stated that they profess Christian faith and have no criminal records. Their motivation to adopt stems from their love for children and their great desire to be parents.
7. 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

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 Applicants are suitable adoptive parents. The Applicants stated that they are committed Christians and intend to raise the child in a Christian development to ensure full spiritual development.
10. The Applicants presented copies of their payslips, bank statements, title deeds, 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 Applicants are financially, socially, physically and mentally fit to adopt the child.
11. Additionally, pursuant to section 186 of the *Children Act*, the Applicants provided letters of consent from BR and CJ, a married couple, agreeing to be appointed as the legal guardians of the child in the event that anything untoward happens to the Applicants. CJ is a sister to the 1st Applicant. They confirmed that they completely understand their role and what is expected of them.
12. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.

Analysis and Determination

13. The child herein was found abandoned in Machakos County. Pursuant to the provisions of The *Constitution*, the child is, therefore, a citizen of Kenya.
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;
 - 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.
15. I have considered the Reports filed by the Adoption Agency dated 14 October 2025, the Guardian ad Litem dated 16 October 2025, and the Director of Children Services dated 13 October 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.
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 Applicants, B.C.K and G.C, are hereby authorised to adopt the child currently identified as Baby DT alias SP alias Abandoned Baby alias Baby S alias Unknown Baby Girl, who will henceforth be renamed T.C.B
 - 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. BR and CJ 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 5 DAY OF DECEMBER 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicants: Ms Adhiambo h/b Moranga

Court Assistant: Lucy Mwangi

