



In re Application for Adoption of PM alias EBAA (Minor) (Adoption Cause E009 of 2025) [2025] KEHC 19028 (KLR) (18 December 2025) (Judgment)

Neutral citation: [2025] KEHC 19028 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
ADOPTION CAUSE E009 OF 2025
JM OMIDO, J
DECEMBER 18, 2025
IN THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA
AND
IN THE MATTER OF PM ALIAS EBAA (MINOR/CHILD)
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION
IN THE MATTER OF
GAA 1ST APPLICANT
EAA 2ND APPLICANT**

JUDGMENT

1. Before this Court is the Originating Summons dated 4th July, 2025, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the Applicants be authorized to adopt the Minor PM alias EBAA
 - ii. That if the adoption order is granted, the child be called EBAA and the Registrar General to make an entry into the Adopted Children’s Register recording the adoption in accordance with particulars as shall be set out in the adoption order.
 - iii. Costs of the application be in the cause.
2. The matter was canvassed by way of *viva voce* evidence on 5th November, 2025.

The Child.

3. The child (female) was born on 17th May, 2021, in Vihiga County out of an alleged incestuous relationship and could not be raised by the biological parents due to cultural prohibitions. She was



committed Springs of Life Children's Home on 14th July, 2021 by the Children's Court at Vihiga, vide C & P Case No. E018 of 2021. The child's biological parents are unknown to the Applicants.

4. The child was later handed over to the Applicants after being declared free for adoption by Little Angels Network, an adoption society and has remained in their custody since 19th August, 2021, when she was two and a half months old, pursuant to a pre-placement report dated 8th July, 2021 issued by the said adoption society.

The Applicants.

5. The Applicants are a legally married couple, having celebrated their marriage on 14th August, 2015 under the *Marriage Act*, 2014, which was solemnized at the Kenya Assemblies of God Church, Lang'ata, Nairobi City County. They no other biological or adopted children. They are both Kenyans and reside in Kisumu County.
6. The Applicants are both religious and profess the Christian faith.
7. GAA was born on 28th November, 1977 and is a pastor while EAA, born on 15th March, 1977, and is also a pastor. Both Applicants went through formal education. GAA is a holder of a Diploma in Theology and a Diploma in Information Technology. EAA holds a Degree in Theology and a Post Graduate Diploma in Counselling and Psychology.
8. The Applicants' motivation for the adoption is that they would like to give the child a home, legally. They have had the misfortune of experiencing three miscarriages.
9. In their Statement in support of the Application, they state that they have been the child's primary caregivers since August, 2021 and that they are financially capable of fending for the child.
10. The Applicants presented copies of documents, recommendations and referee information, all pursuant to the provisions of the *Children (Adoption) Regulations, 2020*. Among the documents provided was their certificates of police clearance that demonstrate that they have no criminal history.
11. The documents disclose that the Applicants are financially, socially, physically and mentally fit to adopt the child. The Applicants confirmed that they fully understand the implications of an adoption order and that the same is irreversible.
12. Additionally, pursuant to Section 195 of the *Children Act*, the Applicants provided/filed a consent from LAO agreeing to be appointed as the legal guardian of the child in the event that anything untoward happened to the Applicants. The legal guardian appeared before this court on 22nd October, 2025 and confirmed that position.

The Adoption Approval Process

13. Little Angels Network, an adoption agency conducted an assessment of the Applicants. The agency filed its report recommending the adoption of the child by the Applicants. The child was declared free for adoption by the Agency vide a Certificate of Declaring a Child Free for Adoption Serial Number 00XXXX dated 4th August, 2021.
14. On 14th July, 2025, this court issued an order directing the Director of Children's Services to investigate the suitability and fitness of the Applicants to adopt the child. The report was filed and the same is to the effect that the Applicants are fit to adopt the child.



Analysis and Determination

15. The child herein was born in Kenya and is therefore a citizen of Kenya by birth. The biological parents of the child are unknown to the Applicants. The child was freely given to Springs of Life Children's Home for adoption. This adoption, therefore, allows the child the opportunity to be raised in a stable and loving home environment.
16. In deciding any matter involving a child, the court is obligated to give priority to the best interest 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, the *Guardians ad litem*, the Director of Children Services, all of which were positive and recommended the adoption. I was able to see the child, who was present before me and who looked happy and healthy in the custody of the Applicants.
18. It is, therefore, my view that the adoption does serve the best interests of the child as the Applicants have both been approved as prospective adoptive parents by competent social workers through a duly registered adoption society under the Department of Children Services, thus they are able to effectively handle their parental responsibilities.
19. Accordingly, I allow the Summons and make the following orders:
 - i. That the Applicants GAA and EAA are hereby jointly allowed to adopt (as Father and Mother respectively) the child currently identified as PM.
 - ii. Upon adoption, the child shall be renamed and henceforth be known and referred to as EBAA.
 - iii. The child is declared to be a Kenyan Citizen by birth, entitled to all the rights and privileges under the Constitution of Kenya and all other applicable laws.
 - iv. LAO is hereby appointed as Legal Guardian of the child.
 - v. That the Registrar-General is directed to make the appropriate entries in the Adopted Children's Register.

DELIVERED, DATED AND SIGNED IN CAMERA THIS 18TH DAY OF DECEMBER, 2025.

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JOE M. OMIDO

JUDGE

Applicants: Present.

Court Assistant: Mr. Ngoge.

