



**In re VVA alias ETA (Minor/Child) (Adoption Cause E010 of 2025)
[2025] KEHC 19029 (KLR) (18 December 2025) (Judgment)**

Neutral citation: [2025] KEHC 19029 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
ADOPTION CAUSE E010 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 V.V.A. ALIAS E.T.A. (MINOR/CHILD)
AND
IN THE MATTER OF AN APPLICATION FOR ADOPTION**

IN THE MATTER OF

**COO 1ST APPLICANT
EAO 2ND APPLICANT**

JUDGMENT

1. Before this Court is the Originating Summons dated 14th 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 child V.V.A. alias E.T.A.
 - ii. That if the adoption order is granted, the child be called E.T.A. 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 18th November, 2025.



The Child.

3. The child (female) was born on 4th July, 2024, 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 31st July, 2024 by the Children's Court at Vihiga, vide C & P Case No. E021 of 2024. 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 23rd September, 2024, pursuant to a pre-placement report dated 8th March, 2024 issued by the said adoption society.

The Applicants.

5. The Applicants are a legally married couple, having celebrated their marriage on 11th December, 2010 under the African Christian Marriage and Divorce Act, Cap 150 Laws of Kenya (now repealed). They have three other biological children, aged 13, 15 and 18 years old. They are both Kenyans and reside in Kisumu County.
6. The Applicants are both religious and profess the Christian faith.
7. C.O.O. was born on 23rd October, 1984 and is a pastor and businessman within Kisumu County Government while E.A.O., born on 9th November, 1988, works as a nurse aid at Avenue Hospital in Kisumu City. Both Applicants went through formal education.
8. The Applicants' motivation for the adoption is that they would like to give the child a home, legally. In their Statement in support of the Application, they state that they have been the child's primary caregivers since September, 2024 and that they are financially capable of fending for the child.
9. 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.
10. 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.
11. Additionally, pursuant to Section 195 of the *Children Act*, the Applicants provided/filed consents from VOO and VAO agreeing to be appointed as the legal guardians of the child in the event that anything untoward happened to the Applicants. The two appeared before this court on 30th October, 2025 and both confirmed that position.

The Adoption Approval Process

12. 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 00XXX dated 4th September, 2024.
13. On 24th 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

14. 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.
15. 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.
16. 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.
17. 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.
18. Accordingly, I allow the Summons and make the following orders:
 - i. That the Applicants COO and PAO are hereby jointly allowed to adopt (as father and mother respectively) the child currently identified as VVA.
 - ii. Upon adoption, the child shall be renamed and henceforth be known and referred to as ETA.
 - 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. VOO and VAO are hereby jointly appointed as Legal Guardians 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.

JOE M. OMIDO



JUDGE

APPLICANTS: Present.

COURT ASSISTANT: Mr. Ngoge.

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