



**In re BM (Baby) (Adoption Cause E245 of 2025)
[2026] KEHC 94 (KLR) (Family) (16 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 94 (KLR)

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

FAMILY

ADOPTION CAUSE E245 OF 2025

H NAMISI, J

JANUARY 16, 2026

IN THE MATTER OF ADOPTION OF BABY BM

IN THE MATTER OF

CTNN APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 1 September 2025, Statement in support of the Application for an Adoption Order and Affidavit in support of the Application, seeking the following orders:
 - i. The Applicant be authorised to adopt Baby BM a minor who is to be known as ANN and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - ii. That AM be appointed as the legal guardian of the minor who shall be presumed to be have been born in Kenya;

The Applicant

2. The Applicant is an adult female of Kenyan nationality, Identity Card Numbers 229XXXXXXX90. The Applicant is 43 years old, single and has no biological children of her own. Due to reasons beyond her control, the Applicant has never been blessed with children of her own.
3. The Applicant is an educated professional. She holds a Bachelor’s Degree in Commerce and is a Certified Public Accountant. Her employment history demonstrates stability and progression. She has worked for global entities such as General Electric International, PricewaterhouseCoopers (PwC), and Finastra. Currently, she is self-employed as a Project Management Consultant in the construction industry. The Applicant submitted bank statements showing a healthy flow of funds and regular savings, Additionally, she owns rental properties and a motor vehicle. The Court is satisfied that she



possesses sufficient financial means to provide for the child's education, medical care and general welfare.

4. The Applicant produced medical reports that confirm that she is mentally sound and physically fit to raise a child. She also provided Police Clearance Certificate confirming that she has no criminal record.
5. The Applicant submits that her motivation to adopt arises from a desire to parent and share her resources with a child in need. She has no biological children and has previously supported orphans in her rural community. She views adoption as a way to grow her family and provide a loving home to a child who has none.

The Child

6. The history of the child is one of vulnerability and rescue. The documents filed in support of the Application paint a harrowing picture of her entry into the world.
7. According to the Statement in support of the Application and the DCS Report dated 26 November 2025, the child was born on 1 October 2023 at Suswa Maiyan Dispensary (referred to as Mayian Maternity Nursing Home) in Narok County.
8. The biological mother, whose identity remains unknown, arrived at the facility in labor. In a tragic sequence of events, while the medical personnel were attending to another emergency, the mother exited the maternity ward. She delivered the infant on a flower bed or corridor within the compound and subsequently abandoned the newborn in a pit latrine/toilet area. The biological mother fled the scene immediately and has not been seen since. The abandoned infant was discovered by a vigilant medical officer, who noticed drops of blood on the corridor leading to the site of abandonment. The child was rescued alive but was in a precarious health condition due to the unhygienic birth environment and prematurity.
9. The medical officer immediately referred the infant to Narok County Referral Hospital for specialized neonatal care. The child was admitted on 1 October 2023 and remained hospitalized for over a month, receiving critical care until she stabilized. The child was discharged on 9 November 2023.
10. The abandonment was promptly reported to the Narok Police Station on 12 October 2023 and recorded under Occurrence Book Number 16/02/10/2023. The Police launched investigations to trace the biological mother or any relatives. These efforts included interviewing the clinic staff and searching the surrounding Suswa area.
11. Despite these efforts, the biological mother could not be traced. The Police issued a final letter dated 18 December 2023 that stated that the child remained unclaimed and the parents untraceable.
12. Following her medical discharge, the child was committed to the Nest Children's Home by the Chief Magistrate's Court at Narok vide Protection and Care Case No. E82 of 2023. She was admitted to the home on 16 November 2023. There, the child received custodial care, nutrition, and medical monitoring while awaiting a permanent family placement. The child was declared free for adoption by Change Trust Adoption Society on 7 November 2024 vide Certificate No. 00782.
13. The child was placed in the care and control of the Applicant on 28 March 2025. Both the DCS and GAL reports confirm that a strong maternal bond has developed. The child, now over 2 years old, recognizes the Applicant as her mother. The Applicant has integrated the child into her extended family, with her mother expressing support and joy at having a grandchild.



The Adoption Application

12. I have considered the Summons, the evidence on record, as well as the various reports filed.
12. 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.
12. Additionally, pursuant to section 186 of the *Children Act*, the Applicant provided letter of consent from AM 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 childhood friend of the Applicant. The proposed legal guardian confirmed that she completely understands her role and what is expected of her.
12. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

12. 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 abandoned in Narok County soon after birth. The child is, therefore, a citizen of Kenya by birth.
12. 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.
12. I have considered the Reports filed by the Adoption Agency dated 7 June 2024, the Guardian ad Litem dated 23 November 2025, and the Director of Children Services dated 26 November 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.
12. 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.



12. Accordingly, I allow the Summons and make the following orders:

- i. The Applicant, C.T.N.N, is hereby authorised to adopt the child currently identified as Baby BM, who will henceforth be named A.N.N;
- 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. AM 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;

DATED AND DELIVERED AT NAIROBI THIS 16 DAY OF JANUARY 2026

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: Ms. Ambaka

Court Assistant: Lucy Mwangi

