



REPUBLIC OF KENYA



**In re Baby BU (Minor) (Adoption Cause E147 of 2024)
[2025] KEHC 1878 (KLR) (Family) (27 February 2025) (Judgment)**

Neutral citation: [2025] KEHC 1878 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
ADOPTION CAUSE E147 OF 2024
H NAMISI, J
FEBRUARY 27, 2025
IN THE MATTER OF THE CHILDREN ACT, CAP 141 OF THE LAWS OF KENYA
AND
IN THE MATTER OF ADOPTION OF BABY BU (MINOR)**

IN THE MATTER OF

HNN 1ST APPLICANT

GWM 2ND APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 11 July 2024, Statement in Support of the Application for an Adoption Order and Affidavit in Support of the Application, seeking:
 - i. That the Applicants be authorised to adopt Baby B.U., a minor who is to be known as LBN and the Registrar General be directed to enter this adoption into the Register of Adoptions;
 - ii. That PWW be appointed as the legal guardian of the child;
 - iii. That the child be presumed to be born in Gucha sub County in Kisii County in the Republic of Kenya;

The Child

2. It is estimated that the child (male) was born on 11 May 2022. The first letter from the Ogembo Police Station dated 18 May 2022 indicates that the child was found abandoned within [Particulars withheld] Village in Gucha subcounty. Upon rescue, he was placed at New Life Trust in Kisumu. He was formally committed to the centre by the Ogembo Children Court in Protection and Care Case No. E006 of 2022.



3. The final letter from the Police Station is dated 29 March 2023 indicating that there has been no one who has claimed the child. The child was finally placed under the foster care of the Applicants herein on 21 September 2023.
4. The child was declared free for adoption by the Buckner Kenya Adoption Society, a registered Adoption Agency, vide the annexed Certificate serial number 661. I am, therefore, satisfied that this legal pre-requisite for an adoption has been met.

The Applicants

5. The 1st Applicant is a Kenyan citizen, residing in Nakuru county and eking a living as a farmer. He is 65 years old and married to the 2nd Applicant since October 2012. They do not have any children of their own.
6. The 2nd Applicant is also a Kenyan citizen, residing in Nakuru county. She is a businesswoman, aged 45 years.
7. The Applicants stated that they wished to adopt the child so as to have a child of their own. They confirmed that they understood the implications of an adoption order and that the same is irreversible.
8. At the hearing, it was noticeable that the child was very comfortable with the 2nd Applicant, who was holding him. The child was happy and playful, appeared well groomed and healthy.

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 Applicants are suitable adoptive parents. The Applicants state that they are committed Christians and intend to raise the child in the Christian faith. They have provided a reference letter from the Senior Pastor, Deliverance Church International, Ndege as well as two reference letters from friends. They have also attached a copy of title deed to prove their financial capability.
11. The Applicants annexed clearance certificates from the Kenya Police Service as proof that they have no criminal record.
12. The Applicants presented PWW as proposed legal guardian for the child. The said legal guardian is a niece to the Applicants, and signed a consent dated 2 June 2024 indicating her willingness to step in and care for the child in the event the Applicant is unable to provide for the child. The proposed legal guardian is a teacher and resides in Githurai. She confirmed that she understood her role and responsibilities.
13. From the material availed, I am satisfied that the Applicants are suitable adoptive parents.

Analysis and Determination

14. The child herein was found abandoned in Gucha subcounty a few days after birth. He 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 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 Guardian Ad Litem, the Director of Children Services, all of which were positive and recommended the adoption. I was able to see the child online.
17. It is, therefore, my view that the adoption does serve the best interests of the child.
18. Accordingly, I allow the Summons and make the following orders:
- i. That the Applicants, HNN And GWM are allowed to adopt the child currently identified as Baby BU.
 - ii. Upon adoption, the child shall be renamed LBN;
 - 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 applicable laws;
 - iv. PWW is appointed as Legal Guardian of the child,
 - v. The Guardian *ad Litem* is hereby discharged;
 - vi. That the Registrar-General is directed to make the appropriate entries in the Adopted Children's Register;

DATED AND DELIVERED AT NAIROBI THIS 27 DAY OF FEBRUARY 2025

HELENE R. NAMISI

JUDGE

Delivered on a virtual platform in the presence of

Ms. Muzungu h/b Ms. Kemuntofor the Applicant

Libertine Achieng...Court Assistant

