



**In re YA (Minor) (Adoption Cause E008 of 2025)  
[2025] KEHC 5389 (KLR) (Family) (28 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 5389 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
ADOPTION CAUSE E008 OF 2025  
CJ KENDAGOR, J  
APRIL 28, 2025  
IN THE MATTER OF THE CHILDREN'S ACT  
AND  
IN THE MATTER OF ADOPTION OF Y.A. (MINOR)**

**IN THE MATTER OF  
DR NKT ..... APPLICANT**

**JUDGMENT**

1. Before Court is the Originating Summons dated 15<sup>th</sup> December, 2024 in which the Applicant seeks the following orders;
  1. Spent.
  2. That this Honourable Court be pleased to appoint Mrs. E.W.N and Mr. J.A.R Guardian Ad Litem in this cause in respect to Baby Y.A alias Baby A.M.R.
  3. That the Applicant be authorized to adopt baby Y.A alias Baby A.M.R.
  4. That the Honourable Court do make an order directing the Registrar General to make an entry in the Adopted Children Register Recording Adoption.
  5. That the Honourable Court do issue such further orders as may be deemed fit to meet the interest of justice.
2. The Originating Summons is supported by the affidavit of the Applicant of even date.
3. The matter was canvassed by way of oral evidence.



4. The Applicant is a Kenyan Citizen by birth residing in Nairobi County. She works as a medical doctor in Nairobi County. She averred that she has lived with the minor since 26<sup>th</sup> June, 2024. The baby was abandoned and no claim has been made by her natural mother since then. A certificate declaring the Child free for adoption was issued by the Adoption Society. A recommendation of the adopter by the Director of Children Services has been issued. A letter from Nanyuki Police Station stating that the Child has not been claimed was issued. The Court in Nanyuki issued a committal order committing the Child to a Children's home. Mr. J.A.R. and Mrs. E.W.N., who have been monitoring her fostering have agreed to act as Guardian ad litem Representatives from Kenya Children's Home Adoption Society made a home visit and made a report recommending her fit for adoption.
5. During the hearing, Dr. N.K.R. expressed her clear understanding of the intricacies involved in the adoption process. She shared that she has been fostering the Child for approximately nine months, during which she has developed a deep bond and attachment. Furthermore, she nominated her brother and his wife to serve as the legal guardians, confident in their ability to provide a loving and supportive environment for the Child in the event of death or incapacitation.
6. J.A.R., the proposed legal guardian, is the brother of Dr. N.K.R. He informed the court that he is prepared to fulfill his responsibilities as the legal guardian.
7. E.W.N., the wife of J.A.R., also told the court that she accepts the responsibility of serving as a legal guardian in the best interest of the Child. She conducted an independent assessment, during which she visited the applicant, who resides in a well-furnished apartment. E.W.N. observed that the applicant has a strong bond with the minor. She submitted a report dated 10<sup>th</sup> March, 2025.
8. Mary Mnyazi Mwagona from the Kenya Children's Homes Society testified in court that she submitted a declaration concerning this adoption, dated February 19, 2025. The Child was made available for adoption on 17<sup>th</sup> July, 2024. Following this, investigations were conducted, and the applicant was assessed. Approval for the adoption was granted on 18<sup>th</sup> December, 2023, and the society recommended proceeding with the adoption.
9. Wilfred Ikinyara, the Assistant Director, Children Services produced a report dated 2<sup>nd</sup> April, 2025 that recommends the adoption.

#### **Analysis and Determination.**

10. In deciding upon any matter involving a Child Courts are obliged to give priority to the best interests of the said Child. Section 4 (2) of the [Children Act](#) provides:-
  - “(2) In all actions concerning Children, whether undertaken by public or private social welfare institutions, Courts of Law, administrative authorities or legislative bodies, the best interest of the Child shall be a primary consideration.” [own emphasis]
11. The preliminary requirements for the making of an Adoption Order are set out in Section 156 (1) of the Children's Act which provides as follows:-
  - “156 (1) No arrangement shall be commenced for the adoption of a Child unless the Child is at least six (6) weeks old and has been declared free for adoption by a Registered Adoption Society in accordance with the Rules prescribed in that behalf.”



12. The subject Child is believed to have been born on 22<sup>nd</sup> May, 2023. She is now 1 year and 9 months old. She is above the six (6) week age limit set by law. The Kenya Children's Home Adoption Society, which is a registered adoption agency, has filed in court a Certificate of Declaring A Child Free for Adoption. I am satisfied that all the prerequisites for adoption have been met.
13. This Court has a duty to analyze the evidence presented to determine whether the Applicants are suitable adoptive parents for the subject Child. The Applicant is a Kenyan citizen, as evidenced by the annexed copy of their National Identity Card attached to the Summons.
14. The Applicant stated that she is working and is able to care for the minor. She has attached a land title deed, bank statements, and a recommendation by her church in support of her application. Overall, the home has been assessed and found to be highly conducive to raising the Child, providing a safe and nurturing environment where they can thrive.
15. The subject-Child has lived with the Applicants for a period of one year. This is the only family she knows. I have no doubt that the Child has bonded with the Applicant.
16. I am satisfied that the Applicant has a genuine desire to adopt the Child. In my view, she is suitable as an adoptive parent. The subject Child was abandoned at birth. This Adoption allows the Child the opportunity to be raised in a stable and loving family environment. Efforts to trace the biological mother have been futile, and this was confirmed by a letter dated 29<sup>th</sup> May 2024, written by the OCS, Nanyuki Police Station. The Child was placed under the care of the Applicant on 26<sup>th</sup> June, 2024.
17. Based on the foregoing I am satisfied that this adoption serves the best interests of the Child. As such I do allow this application and make the following orders:
  - i. The Child Baby Y.A. is presumed to be a Kenyan Citizen by Birth and is entitled to all associated rights.
  - ii. The Applicant, DR. N.K.R is authorized to adopt the Child known as Baby Y.A.
  - iii. The Registrar-General is directed to make the relevant entries in the Adopted Children's Register.
  - iv. Upon adoption the Child will be known as AMR.
  - v. EWN and JAR are hereby appointed as the Legal Guardians of the Child.
  - vi. No orders on costs.
18. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 28<sup>TH</sup> DAY OF APRIL, 2025.**

**C. KENDAGOR**

**JUDGE**

In the presence of:

Court Assistant: Beryl

Mr. Ratemo. Advocate for the Applicant

