



In re Baby GC aka Abandoned Child Baby Boy (Adoption Cause E002 of 2025) [2025] KEHC 9221 (KLR) (Family) (27 June 2025) (Judgment)

Neutral citation: [2025] KEHC 9221 (KLR)

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

ADOPTION CAUSE E002 OF 2025

H NAMISI, J

JUNE 27, 2025

IN THE MATTER OF

CVG APPLICANT

JUDGMENT

1. Before this Court is the Originating Summons dated 9 January 2024, Statement in support of the Application for an Adoption Order and an Affidavit in support of the Application, seeking the following orders:
 - i. That the Applicant be authorized to adopt Baby G.C. A.K.A Abandoned Baby Boy, a child who is to be known as C.K.K.W and the Registrar General be directed to enter this adoption into the register of Adoptions;
 - ii. That J.N.G. be appointed as the legal Guardian of the child;
 - iii. That the child be presumed to be born in Kenya;

The Child

2. The child [male] was presumably born on 20 May 2023 with the place of birth unknown. The child was found abandoned in a bush at [particulars withheld] Village and rescued by a good Samaritan. The matter was subsequently reported to Makutano Police Station on 21 May 2023 vide OB No. xx/21/05/2023.
3. The child was placed under the care of St. Angela Embu Children's Home. She was committed to St. Angela Embu Children's Home as a child in need of care and protection by the Resident Magistrate Court at Embu under Care and Protection Number MCP&CCO E001 of 2024. The child remained at the institution until he was placed with the Applicant on 1 August 2024.



4. Despite efforts made by Makutano Police Station, no claims of parental responsibility were made, and all efforts to locate the child's biological parents or relatives were unsuccessful. Consequently, the child was declared legally available for adoption by Buckner Kenya Adoption Agency on 23 July 2024, and a freeing certificate Number. 0782 was issued by Kenya Children's Home Adoption Society pursuant to Section 194 [1] of the *Children Act*. Therefore, I am satisfied that this legal prerequisite has been met.
5. The child was placed in the custody of the Applicant, C.W.G, on 1 August 2024, where she has remained under continuous care and supervision.

The Applicant

6. The Applicant is a Kenyan citizen. She resides at Kahawa Sukari. The Applicant earns a living as a businesswoman. The Applicant's motivation for adopting the child is that she has always desired to have a biological child but has been unsuccessful due to medical reasons. As a single woman, she has always desired to have a child of her own and provide a loving and secure home for a child in need. Consequently, the Applicant has chosen to build a family through adoption and build a stable home for a child in need. She is committed to offering a nurturing environment, hence demonstrating a sincere intent to raise the child as her own.

The Adoption Application

7. I have considered the Summons, the evidence on record, as well as the various reports filed.
8. The duty of this Court is to analyse the material before it to determine whether the Applicant is a suitable adoptive parent. The Guardian ad Litem confidently states that the Applicant has equipped her home with all the necessary child-rearing essentials, reinforcing her preparedness for this responsibility. Furthermore, the applicant's close relatives, friends and Lead Pastor at [Particulars Withheld] Church have confirmed that the applicant is fit to raise the child.
9. The Applicant presented copies of title deeds, bank account details, Police Clearance Certificate as well as various recommendations, all pursuant to the provisions of The Children [Adoption] Regulations, 2020. These disclose that the Applicant is financially, socially, physically and mentally fit to adopt the child.
10. Additionally, pursuant to section 195 of the *Children Act*, the Applicant provided a sworn affidavit from J.N.G., consenting to be appointed as the legal guardian of the child in the event that anything untoward happens to the Applicant. The proposed legal Guardian confirmed that she understood her role and responsibilities towards the child.
11. From the material availed, I am satisfied that the Applicant is a suitable adoptive parent.

Analysis and Determination

12. The child herein was found abandoned in Kenya just one day after he is presumed to have been born. Pursuant to the provisions of Article 14[4] of *The Constitution*, the child is presumed to be a citizen of Kenya. Article 14[4] states 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.
13. 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;
 - [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.
14. I have considered the Reports filed by the Adoption Agency, the Guardian ad Litem, and the Director of Children Services, all of which were positive and recommended the adoption.
15. This child was abandoned immediately after birth and faced an uncertain future. Adoption, therefore, serves the best interests of the child by giving him a sense of identity and belonging.
16. Accordingly, I allow the Originating Summons and make the following orders:
 - i. That the Applicant, C.W.G., is allowed to adopt the child currently identified as baby G.C., who shall now henceforth be known as C.K.K.W;
 - ii. 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;
 - iii. J.N.G 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 IN NAIROBI ON 27 DAY OF JUNE 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

For Applicant: Mr Wabende h/b Mr. Moranga

Court Assistant: Libertine Achieng.

